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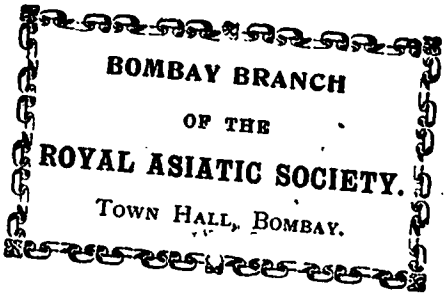

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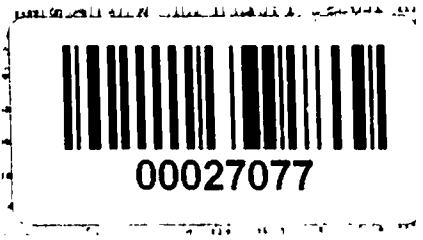
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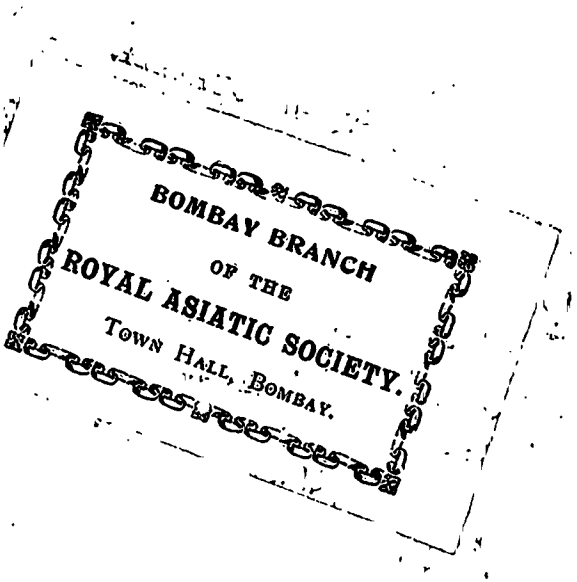
SPEECHES

OF

THE RIGHT HONOURABLE

CHARLES JAMES FOX.

VOL. II.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TOWN HALL, BOMBAY.

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SPEECHES

OF THE

RIGHT HONOURABLE

CHARLES JAMES FOX,

&c. &c.

Mr. Fox's Motion for an Enquiry into the ill Success of the British Navy.

January 24. 1782.

THE first object that engaged the attention of parliament after the Christmas recess, was the long meditated enquiry into the conduct of the first lord of the admiralty. In pursuance of the notice he had given,

Mr. Fox rose. He began with saying, that he was perfectly convinced of the difficulty of the undertaking and also of the general impropriety of instituting an enquiry into the conduct of men intrusted with the powers and influence of government. It was always ineligible and at times dangerous; for the men intrusted with the powers of the administration had it in their power to rise superior to the impotence of inquiry, however just; and by means of the influence and the strength of office were able to crush the efforts of those who endeavoured to expose their misconduct. Gentlemen were, therefore, averse from the institution of inquiries, and they were seldom made, because they were seldom productive of advantage to the public. In such an inquiry the evidence was in the hands of the persons accused; they had it in their power to manage it as they pleased, and, without the evidence of office, it was not to be expected that any benefit could arise from inquiry. That influence, therefore, exerted in favour of a minister to be accused, ought to deter any man from accusing a person so shielded, so protected. But of all the ministers in the cabinet, there was not

one more formidable, perhaps not one so formidable from influence, as the Earl of Sandwich: his situation gave him the influence of a whole profession; as a cabinet minister, he of course would find himself supported by the influence of his colleagues; but the noble earl had, independent of those two sources of influence, another, which though not equal to that of the crown, was a powerful addition to it; and with it, sufficient to crush any member who should bring charges against him: this influence he derived from the East India company.

It was easy, then, to foresee that he was about to undertake an arduous task indeed. But all this he was ready and prepared to encounter in this case; at the same time that he was convinced that this was not the way which, in more virtuous and vigorous times, a subject of this sort would be taken up. He was convinced that, as a prelude to an inquiry, he ought to move for an address to the king, to remove the Earl of Sandwich from his councils. If there was nerve, honesty, and independence in that House, that would be the mode in which they would set about this business; but the evil effects of that influence which he had mentioned were, that they had poisoned the understanding as well as the heart of that House. Gentlemen forgot what was right and necessary, and adopted, with their eyes open, what was wrong and nugatory; such was the habit of that House, that it would be an idle attempt to endeavour to convince them that there was a manifest and an essential distinction between a motion of removal, and an implication of censure. Gentlemen had adopted an idea, that to move for an address to remove a minister, was to act unfairly; that it was to condemn a servant of the public unheard, and to proceed to pass sentence without allowing him to make his own defence. Nothing could be more absurd, more false, and more foolish than this idea: but he wondered not that it prevailed, for ministers entertained the same idea themselves. Being men of less property than official emolument; for such now were the extravagant incomes of placemen, that their salaries and douceurs must be superior to their private estates; they clung to their offices, and considered them as so rich and valuable, that at last they blended them with inheritance, and looked upon them as sacred franchises, in the possession of which they were secured by the law of the land.

The contrary of this the honourable gentleman particularly insisted upon. In his opinion, there was no occasion to criminate a minister, in order to address the throne for his removal from office. It was sufficient that he was incapable,

or unfortunate, or disliked. Either of these cases were enough to warrant an address to the sovereign for his removal, in which there was perhaps nothing dishonourable, and in which there was frequently something very much to the credit of the minister removed. The parliament had, at all times, an undoubted right to request that any servant of the crown might be discontinued merely upon disliking him; it was by no means unreasonable. Had a minister a right to his place for life, as to a freehold? or was he only a servant of the public? If he was their servant, why should the public have less power over their servants than private individuals had over those domestics whom they paid for their services? If the public thought proper not to employ their servants any longer, had they not a right to dismiss them, without incurring the charge of injustice? Undoubtedly they possessed this right; and whoever should urge that it would be unjust to exercise it, must necessarily deny the right itself.

He would go farther, however, and contend, that not only it would not be unjust, but that in many cases, as in the present, it would be expedient to exercise this right; for the moment a minister ceases to enjoy the confidence of the public, that moment he ought to be removed; nay, though he should be a meritorious servant, and an able minister; for in every government there must be a confidence reposed in the servants of the crown by the people; or else the business of the state can never be carried on with any degree of success: and though the people should be whimsical and capricious in their dislike of any minister, yet it never could be consonant to sound policy to keep him in office against the opinion and wishes of the people. The public had long since withdrawn their confidence from Lord Sandwich, (if he indeed ever had been honoured with it,) and therefore for this reason alone, if not for one of the thousand others he could urge, he ought to be removed: he trusted, therefore, that he should hear no more of the injustice and hardship of removing a minister, without having first given him a fair trial.

Holding it, therefore, as a general principle of policy, that a motion of removal was the proper step to be taken, and prudentially deeming an inquiry, as he had already declared, to be not the most fit measure to be taken with a minister while in place; such was the situation of affairs, and such the late misconduct and ill success of our naval force, that he felt himself obliged, under all the difficulties, the obvious difficulties, that would attend his endeavours, to be himself the mover of an inquiry into the conduct of the Earl of Sandwich. Thus knowing and avowing what was right, he

was about to do what he had declared to be wrong, at least wrong in some degree. From what the noble lord in the blue ribbon had said before the recess, when gentlemen talked of the first lord of the admiralty, "that they could only accuse him before the inquiry, but would not charge him with the same crimes afterwards," it would be expected, that the noble lord should himself be the first man to bring on the inquiry. It was very true that he ought to do so. But he was not displeased that he had not done it, for if it had been taken up by that noble lord, he should have believed that it would be conducted, as every thing was conducted which he took in hand, with fraud or imbecility; and that it would be calculated either to do nothing, or to do mischief. There was, however, one thing which would be naturally expected from the noble lord, after so much boasting and gallantry; that he should give to the House the means of a full and fair investigation of the conduct of the admiralty. If he denied the necessary intelligence; if he withheld papers, and starved the trial; the House would then say, that he, and not the persons who attacked Lord Sandwich, hazarded expressions which he could not prove, and was bolder in giving the challenge than in fighting the battle.

It had been said of the Opposition, and it was a charge of which they must clear themselves, that they brought on the inquiry, in order to preserve the Earl of Sandwich in his place; for that if the Opposition had not strove to turn him out, he would have been so long before this time. This was a very curious charge. They had been said to be in league with Dr. Franklin, with the Americans, and even with the French and Spaniards. They were charged with having contributed to the independence of America; but all this was nothing in comparison with the charge which was now alledged against them; that they were in league with the arch enemy who had robbed us of so much valuable dominion, — the dominion of the ocean. Better would it be for Great Britain, were they to have supported America, France, Spain, and Holland, than to have linked with the present ministry, without whose uniform aid Dr. Franklin might have been wise, General Washington brave, Maurepas, De Sartine, and M. de Castres, vigilant, crafty, and politic, America firm, the house of Bourbon full of resources, of vigour and of energy, and Holland proved a powerful ally to the house of Bourbon in vain! The honourable gentleman spoke particularly to this point. It was said, not by the gentlemen with whom he had the honour to act, but by the very men, who, in case of a division, would vote in favour of the Earl of Sandwich, that there was an obstinacy

somewhere, that would oppose whatever was undertaken or suggested by the gentlemen in opposition: that Lord Sandwich would have been turned out of place, had not Opposition desired it; and that whatever plan was in agitation, if it were a wise one, and approved of by that side of the House, it would be instantly altered; if it was a bad one, and condemned, it would be persevered in, and executed. He could not tell whether there was such a spirit of obstinacy in existence or not; but he knew that those men, who in their hearts desired to see the Earl of Sandwich out of place, and who sincerely thought him incapable of holding it with honour, or even with safety to his country, and yet came down to the House and voted to save him, were too bad for any society, much less for the important trust which they held, of representing a free people. It proved to him the truth of that declaration which the House made on the 6th of April, 1780, that the influence of the crown had increased, was increasing, and ought to be diminished. But he desired it to be understood and believed, that though they brought on the question for an inquiry into the conduct of the first lord of the admiralty, they had no intention of fixing him in his seat; if he should be secured by their endeavours to turn him out, they could only lament that obstinacy which they had it not in their power to subdue. They did their duty in warning their country of the consequences of his administration of our naval affairs; they spoke of his repeated errors and crimes, exposed them to view, and endeavoured to procure his discharge; and they did this in the honest and upright intention of saving the empire from the farther effects of his miserable system. He begged, therefore, that it might not be imputed to them, that they wished to fix him in his seat; nothing was farther from their intention, and he trusted that those gentlemen who had spoken as he had said, and who wished for the good of their country, that the Earl of Sandwich was removed from office, would now be honest enough to hold the same language within doors that they held without, and act with the same vigour that they spoke.

The honourable gentleman now proceeded to the matter of the inquiry. He said, that it naturally was divided into two distinct heads; the one, whether the first lord of the admiralty had the means of procuring a navy equal to the occasions of the state? and secondly, whether he had employed the force which he really had to the necessary services with wisdom and ability? As to the first, he did not mean to introduce it into the inquiry; for though it was very true that there were many occasions, in which he could prove that the first lord of the admiralty had neglected his duty in

this respect, yet, as it would require so much detail of proof, and bring forward so many office-witnesses, witnesses all under the patronage of the noble lord himself, he did not wish to lead the House to this part of the subject. If the inquiry was to be continued for so great a length of time as would necessarily be required for going into that part of the subject, he saw no probability of gentlemen giving it attention. There was an indifference in that House almost invincible; and therefore the only prospect that he could have of the inquiry being regarded was, that it would not be tedious nor perplexing. If the first consideration was taken up, it must be so: there would be great difficulty in ascertaining the facts, and the House would be obliged frequently to resort to opinion and speculation on which it would not be fair to ground censure or punishment. But though he did not take up this part of the question, he begged that no gentleman would suppose that he thought the first lord of the admiralty less criminal here than under the second head; he was convinced of the contrary. There were many egregious faults, and such as every gentleman, whether intimate with naval matters or not, must fully comprehend.

The navy of this country was confessedly inadequate to our occasions. It was not the question, whether it was equal to the navy which Lord Hawke left when he went out of office, though he could prove that the fleet, at the second year of the war, was not nearly equal to that of the year 1759; but it was with the state of the French and Spanish navy that the comparison ought to be made. It was the duty of the first lord of the admiralty to prepare a fleet able to cope with that of the enemy, whatever it might be; and when he saw equipments going on in the French and Spanish marine, it was his business, and it was his indispensable duty to take the alarm, and exert the powers of this country for our defence. Would any man venture to say that the means had been denied him? Would any man venture to slander the House of Commons with the charge of parsimony? Surely none would. It might safely and truly be imputed to them that they had been lavish and wasteful, in cases where expence was not wanted, or where it was improper: but no man would say of them that they had been fastidious or narrow; that they had denied useful sums, or crippled the necessary service. As the nation had felt all the hardships of extravagance, it might certainly have been expected that they should have reaped also some of the benefits. This, however, had not been the case. The Earl of Sandwich had procured lavish grants; he had the command of the national purse, but he had failed to provide for his country a fleet

equal to the necessities of the state, or equal to the strength of the enemy. He had said, however, that he did not mean to go into this branch of the question. The examinations which it would require, would be intricate; the accounts given by men in office would be unintelligible to many gentlemen, and would be rendered obscure to all; by means of the artifices of the admiralty. He wished to confine the inquiry to that which every gentleman would be competent to discuss, and he promised the House that there would be ample matter for discussion.

The branch of the question then, to which he wished to call their attention was, whether the first lord of the admiralty had directed the force of this country, with wisdom and effect, to the necessary objects of the war? Before he proceeded to this he must clear a little ground. A doubt had been raised about the nature and extent of responsibility; knowing, and believing, that all his majesty's ministers were guilty of the dismemberment of the empire, and of the calamities with which we were surrounded, it was to him a matter of indifference on whom the consequences of the inquiry should light; whether it should be the first lord of the admiralty, or the first lord of the treasury, or on either or all of the secretaries of state. He thought them all guilty, and punishment could not fail to be just, if it fell on either; but he must pay regard to the constitution. Our constitution, then, pointed out the particular minister who was bound to give advice to his sovereign in naval concerns, and who was consequently responsible for naval measures. That minister was the first lord of the admiralty. A subaltern commissioner of that board, and which he once had the honour himself to be, would be bound, if he should receive an order from a secretary of state, to send a number of ships, with a particular commander, on any given expedition, to execute that order strictly and literally, without presuming to examine the propriety or the wisdom of the measure. He could not argue on the point, because he had not the means of judging. He knew not the grounds on which the order was made. He knew not the intelligence, and he ought not to know it, nor the facts, nor the arguments, nor the reasoning on which it had been adopted by the cabinet. It was, therefore, his immediate duty to obey the mandate; but if the order had been sent by the same secretary of state to the first lord of the admiralty, the case was very different. He, as well as the secretary, was a counsellor of the king, and he knew, or ought to know, all the grounds on which the order was made. If, therefore, knowing these grounds, he disapproved of the measure; if he considered it

as inconvenient or dangerous, it was his duty, and he was bound to disobey it. It was a power necessary to his office, to exercise his discretion in every measure which he executed, since without discretion there could be no responsibility. This was the true constitutional doctrine, and it was this which would give firmness and stability to our government, if left unshackled by influence. But it was no wonder, that a noble lord (Mulgrave) should by the circumstances of his situation, his friendship, his familiarity, and other reasons, be apt to confound the minister with the subaltern, and speak with some confusion on the subject of responsibility, since he might, though only an inferior lord of that board, fancy himself, in the House of Commons, the prime minister of the Admiralty.

The honourable gentleman now entered into an enumeration of the instances of mismanagement of our navy, which had occurred in the course of the last five years, by which the House would see what were the particular points to which he meant to call their attention in the proposed enquiry. This he did with that historical precision and accuracy for which he is remarked, beginning with the commencement of hostilities between this country and France, and tracing the naval minister through all the series of his measures year by year. We cannot presume to follow him with correctness. He said, that as early as the year 1776 his majesty's ministers must have supposed that France would interfere in our contest for America. He took this for granted, because at so early a date they applied to his honourable friend, Admiral Keppel, to know whether he would take upon him an important naval command. From this application he collected the circumstance of their apprehension of a French war, because knowing the sentiments of that great admiral on the subject of the American question, they could not presume to offer him an appointment to fight against the Americans. He did not mean to say, that because Admiral Keppel would not fight against the Americans, those officers were guilty who had accepted of commands against them. God forbid! Many gallant gentlemen had been employed in that service from mistaken principles of discipline, and some from an early conviction of the rectitude of our cause. He only meant to say, that Admiral Keppel, with his sentiments on that question, would have been unpardonable if he had accepted of a command. The ministry then knew so early as 1776, that the French would interfere, and from that moment at least, if not before, they ought to have begun their equipments to act with decision against France in the beginning of the war. At that time a

very worthy and industrious friend of his, Mr. Temple Luttrell, knowing that the first thing a statesman had to do, before he embarks in a war, is to examine whether his means are sufficient for carrying it on, moved in his place, that the navy of England in its then state, was inadequate to the exigencies of the empire. This motion, Mr. Fox said, he had the honour to second; but, though obviously founded in truth, it was rejected by a majority: ministers then boasted of the formidable and still growing state of the navy, and parliament and the nation at large were given to understand, that we actually had, at that time, a naval force equal to every possible exigency of the state. At the same time the House was told from the treasury bench, that if it were not the case, it would be impolitic and dangerous to publish it to the world. What truth there was in such assertions experience soon pointed out, and the public found that the assertions of ministers, and the flattering picture drawn by them of the navy of England, were illusive. For so far had a noble lord in office gone, (Lord Mulgrave,) that in the present session of parliament he had asserted not only that we were inferior to France at sea; but that it was in the nature of things absolutely impossible that we should be equal to her, whenever she should turn her thoughts entirely to our marine: here the illusion ended; and here we were undeceived by ministers; the motion he alluded to, had this tendency, to make ministers reflect beforehand, and consider the strength of France and England, before we should break with the French; and after they should have, by mature deliberation, discovered what must be their own inferiority in a contest with America and France united, to persuade them to make peace with America, and, by so doing, either prevent the war with France, or be enabled to bring our whole force against her, and crush her navy at a blow. If this had been done, that country, which used to be stiled the British empire in America, might be, perhaps, independant; but it would not have been French.

But the circumstance to which he wished to allude in this matter was the bold contrast which there was in the language of gentlemen on the opposite side of the House. In 1776, before we went to war, it was declared to be impolitic and dangerous to say that our navy was inferior to that of the enemy; even if it should really be so, we must not venture to speak the truth. But in 1781, a member of the board of admiralty declares in the face of the whole world, during the fourth year of a war with France and Spain, that our navy was not only inferior, but that it must necessarily be inferior to that of the enemy, at all times when the enemy

pleased. The gentlemen in opposition were blamed for giving improper intelligence to the enemy in the year 1776. The noble lord of the Admiralty was, no doubt, praised for giving them intelligence in the year 1781. It was dangerous before we went to war to tell the French and Spaniards what we thought of our force: it was perfectly safe to inform them of it when we were involved in a war with them, and surrounded in a manner unprecedented in English history. The noble lord talked of the despondency of not looking our misfortunes in the face: but mark the difference of the noble lord's conduct and his words. We must not look our misfortunes in the face, nor examine our situation with steady, resolute minds, when examination would be advantageous, because seasonable; when by examination we might have prevented the calamities that ensued; but we must examine and publish our weakness to all the world; nay, we must go out of the way, and without being called or solicited, inform our enemies at the very moment when they are ready to attack us in every quarter of the world, that we are inferior to them, and must be so! It seemed all the way through the present administration, that the ministers, as if they had been really the servants of France, thought only of the best means of involving us in wars, but took no pains to bring us out of them again. They kept their weakness concealed till it was too late for the people to know it, and then they were the first themselves to reveal it.

But they knew so early as 1776 of the approaching American war, and that we should have occasion to prepare for the rupture with all the industry, skill, and zeal, which we could exert. How did they do this? They sent all the frigates of England to the American seas, for the great national purpose of destroying the American trade. This was an object so much at heart, that they not only sent all their frigates to America, leaving the European seas totally unprovided with small ships, but they also employed the line of battle ships during the whole of the winter of 1778 in cruizing, for the purpose of making captures of American traders: even in the very moment when the treaty was signing between France and America, were the large ships of Britain tossing about in the seas, encountering all the dangers and injuries of winter storms, for the sake of pillaging American craft. What was the consequence? They were torn to pieces; and in the beginning of the campaign, when Admiral Keppel went down to take upon him the command of the grand fleet, he found but six ships ready for sea, although it was a well-known, notorious fact, that the Earl of Sandwich had, in his place in the House of Peers, declared some weeks before, that

there were between thirty and forty line-of-battle ships ready for sea. This plan of cruising in the winter had been the favourite measure of his majesty's ministers, and had contributed more than any thing else to the lateness of all our expeditions, by which he had always been behind-hand with the enemy; for the consequence was, that from the damages which they sustained, and which were almost inseparable from a channel cruize, they were sent into dock to be repaired, at a time when it became known that the French were arming as fast as possible: had these ships been in readiness, which they might have been, if they had not been employed in a service that ought properly to have been performed by frigates, we might have insisted that the French should have immediately disarmed, or we might have fallen upon them before they were prepared, and so have crushed them before they would have been able to strike a blow.

This was the cause of that shameful deficiency which Admiral Keppel found when he went down in March, 1778, and found only six ships of the line fit for sea. Thus, to use an expression to which he supposed the admiralty would not object, "a glorious opportunity was lost" of striking an effectual blow at the French navy, and crushing them by a decisive stroke in the infancy of the war; for had Admiral Keppel been sent to sea with his squadron at an early period of the campaign, what might not have been the consequence? Instead of this, he was detained, as if this faithful servant of the king of France, the first lord of the admiralty, was waiting till the French were ready to meet us. Then, and not till then, he sent Admiral Keppel to sea with twenty ships to fight twenty-seven, an odds so formidable, as, in fact, to endanger the very existence of the empire. When he sailed with twenty ships, he was given to understand that his force was superior to any that the enemy had to bring against him; and he believed them; but what was his disappointment, what must have been his indignation, at finding that the enemy, contrary to his expectations, had twenty-seven sail of the line at sea? Here they imposed on their commander; but it was their vanity in having a fleet in the channel, that made them impose upon him: had they been as diligent as they were vain of this parade, they might have had a sufficient force under Admiral Keppel, to have destroyed the French navy at a blow; and thus have prevented all the disgraces and disasters that have since befallen us.

The intelligence of the equipment of a squadron at Toulon had reached this country some months before that squadron was ready to sail; it was known here that some persons of

distinction were to embark in it as passengers: this and a variety of other circumstances pointed out, beyond a doubt, that America was the quarter to which this armament was destined: and yet though all England knew this; though the preparations were public during the months of January, February, March, and April, yet not a syllable of this had been sent to Lord Howe in America till the middle of June, at least the dispatches were dated the 6th of May. Nay, so far had the ministers been from giving Lord Howe notice of his danger, before the date of these dispatches, that they had even sent him orders to detach a part of his force to the West Indies. He was just preparing to execute this order, when he heard, but not from ministry, of the expected arrival of Count d'Estaing in those seas. He then, with that manly foresight, which distinguishes an able commander, kept his force together, and by a singular effort of genius and naval skill, preserved his fleet and the army by an arrangement which would place his name among the most celebrated of our British admirals. Such were the dispositions made by his lordship, such the spirit and abilities displayed by him against Count d'Estaing, that he defeated that officer with a very inferior force; or if he did not literally gain a victory over him, at least he gained the substance of one; fortunately, indeed, for his own honour, but unfortunately, perhaps, for this country; for if the army that was saved by this victory had been captured, we should not at this day have such a load of debt upon our shoulders and have lost so many armies, for our ministers would have been obliged to make peace with America. By the winter's cruize of our two-deck ships in the Channel, and the subsequent repairs, Admiral Byron was prevented from sailing time enough to dispute the passage of the Mediterranean with Count d'Estaing; and the same cause continuing to operate, together with the absurdity of our ministers, we were not able, afterwards to prevent the sailing of M. de Grasse and M. de la Motte Piquet, with reinforcements to Count d'Estaing; the consequence was, that Admiral Byron had the mortification to arrive time enough to see Grenada taken, our most valuable settlement in the West Indies after Jamaica. As dilatory in instructing and strengthening the hands of their officers abroad, as they were in fitting out the ships at home, the ministers had ordered Admiral Barrington to wait at Barbadoes till he should be reinforced: he, too, from superior information, ventured to disobey these orders, and saved St. Lucia; but so slow were ministers in sending out reinforcements, that had Commodore Hotham arrived only one day later than he did, St. Lucia would have been lost: he de-

fended it, indeed, in a manner which would do him and his country honour, while bravery and abilities should be esteemed in the world: he defended the island with a force more than three times less than that of the enemy; and yet, exclaimed Mr. Fox, Admiral Barrington is now on shore! He must speak a little on that circumstance. The admiral was said to have come on shore because he would not accept of the principal command of the fleet.

When he had spoken in debate of the number of brave officers who were driven by the Earl of Sandwich from the service, and it had been a subject of conversation, Lord Howe desired that no gentleman would give reasons for his conduct. This had been erroneously supposed to apply to what had fallen from him. In fact, it came from the noble lord on account of the reason which Lord Lisburne gave for Admiral Barrington's retiring; it was, his lordship said, because he had weak nerves. This gave a pretty good idea of the reason of so many brave men withdrawing themselves from the service. Had Admiral Barrington weak nerves? He had not weak nerves, when, with five ships of the line, he stood and beat off fifteen of the enemy. But he whose nerves were not weak when he met a host of foes, shrunk from a closer interview, and a responsible connection with the Earl of Sandwich. Admiral Barrington was a man, from whose connections it might be expected that he would not be unfriendly to ministry, but yet he had apprehensions of the Earl of Sandwich. This was the cause of so many brave men retiring. This was the cause of their choosing to withdraw themselves from a post where they had greater enemies to meet than the French and Spaniards. They shewed us that there was a man at the head of our naval affairs, whose quality and cunning it was to make even bravery useless to his country.

The year 1779 presented us with a repetition of the plan and misconduct of 1778. Late cruizing in the winter prevented early equipments in the campaign. The Spanish war broke out, and the first lord of the admiralty, as if he wished only to fight the battles of our enemies, never once attempted to prevent the French and Spaniards from meeting, joining, and insulting us in the channel. Sir Charles Hardy was sent to sea without instructions to prevent the junction of the enemy, and it was only Providence, our good and great Ally, that saved us, by sending an eastern wind, and a distemper, to drive the enemy from our doors. Sir Charles Hardy stole along the French coast in order to avoid seeing the enemy, but when he got into Torbay, and the Earl of Sandwich was perfectly assured that the enemy was safe in Brest water, he commenced his exertions, and all was hurry and confusion at

the dock-yards, that hurry which he constantly mistakes for diligence; and when the clamour ran high, and the people felt the indignity that had been offered to them, he promised them that they should have a good account of the enemy. The next piece of misconduct was in the manner of dispatching Admiral Rodney to the West Indies. A French squadron under Count de Guichen, had sailed for that destination, and very alarming appearances ensued. It was exceedingly necessary that Sir George should be there as soon as possible. In order therefore to facilitate his passage, he is sent to relieve Gibraltar, by which he is detained a considerable time, and the enemy are left in the quiet enjoyment of this opportunity of reinforcing the squadron at Martinique. We had it in our power to have got the start of De Guichen, for the fleet which was dispatched straight, arrived in the West Indies before the French squadron. We might therefore have intercepted their passage, and fought them separate. It was true that Sir George Rodney's squadron destroyed nine of the enemy's ships, a capital advantage, and indeed the only thing that had the consequences of a victory through the whole war; but were ministers to be praised for what they did not contrive, and what they did not foresee? It was Providence again, and the bravery of Sir George Rodney's fleet, but not the Earl of Sandwich that gave us that advantage. In the West Indies the French and Spaniards formed a junction, and Sir George Rodney, who is fond of promising to give a good account, and not very apt to be depressed by the misfortunes of his country, fairly owned that he durst not meet them. Here, then, ruin stared us in the face, every one of our islands lay at the mercy of our enemy; but there seemed, said the honourable gentleman, to be a Lord Sandwich in their councils, and God grant that there may always be a Lord Sandwich in their councils! They met, and separated without doing any thing.

The year 1780 was remarkable for the capture of an immense fleet of merchantmen and transports under Commodore Moutray, and the circumstances of the case were striking: they gave another suspicion among all the other parts of Lord Sandwich's conduct, that he was intent on doing good and faithful service to his masters of the House of Bourbon. At least if they had been his masters, it could not have been more consistent with duty to have ordered Captain Moutray to deliver up his invaluable convoy to the jaws of the enemy, than to do as he had done; for at the very moment when he knew that the Spanish fleet were cruizing off the coast of Spain he ordered Captain Moutray to rendezvous at Madeira; that is to say, to go in the very track where he would fall in with

the enemy. In this year again the same fault was observable with respect to late sailing. No attempt was made either to prevent the fleets from joining, or to prevent the sailing of M. Ternay for America with that military force which had lately captured the army of Earl Cornwallis. The same scheme of bombastic gasconade still prevailed, and ships and fleets were employed in needless cruizes, merely for the purpose of saying, that we were in possession of the seas when the enemy were in port. It was in this year that Commodore Fielding was sent with six ships of the line to intercept Admiral Byland with one. This circumstance made the assertion of Lord North, "that the Dutch war was a war of necessity, and not of choice, as we suffered more from them while they were insidious friends than since they are become open enemies," intelligible; it was to him inexplicable till of late, but now he saw its meaning and acknowledged the truth of the observation; for when they were friends, we sent six ships to fight one; but when they became enemies, we sent only five ships to fight eight. This was the plan of Lord Sandwich. As soon as a nation became our enemy, he lowered the opposition that we made to it, and thus it plainly appeared, that they were more injurious to us when friends than now when enemies, for they then detached more of our men of war than now from the contest with the House of Bourbon.

The honourable gentleman then came to the year 1781, the memorable period of our disgraces and infamy; and he particularly described the naval transactions. The rupture with Spain was the first memorable event of this period, a measure so scandalously impolitic, and so infamously brought about, that ministers ought to be impeached for that alone. Though ministers seemed in the Dutch war to be actuated by a spirit of resentment, they did not know how to wreak it on the Dutch: if they had had a mind to crush them, and God forbid, said he, that the Dutch should ever be crushed, for then indeed the present system of Europe would be no more! but if they wished to crush Holland, they should have had a fleet in the Texel to awe the Dutch, and force them to yield to the terms of England; no such measure was adopted: instead of that five ships only were sent into the North Seas. Providence, indeed, but no thanks to the admiralty, had sent the Berwick to join Admiral Parker: but why the Sampson was not sent by their lordships no one could tell. It was true, indeed, that they sent to the coast of Norway, to let him know that she lay at the Gunfleet; and that if he wanted her he might send for her. Thus time was lost; she might have been the messenger herself; and then our admi-

ral, no doubt, would have gained a decisive victory over the Dutch. The Sampson was indeed sent to him, but she arrived the day after the engagement.

Our Channel fleet was still, as formerly, too late to prevent the junction of the French and Spaniards, or even to attempt it. Their fleets appeared again at the mouth of the Channel; Admiral Darby sent an account of it to the admiralty; but there he was laughed at—he was not believed: the mayor of Bristol sent to the admiralty to know if the report was true that the enemy was on the coast; and an answer was sent to him by Mr. Stephens, by order of Lord Sandwich, that there was no such thing; and that Admiral Darby had put back into Torbay, only for refreshments: thus was that admiral spit upon by the first lord of the admiralty; and the information he had given treated as a lie. Such was the manner in which the first lord of the admiralty treated an admiral commanding the naval power of Britain; and such was the sort of treatment which had driven men of fine feelings from the service! He knew not how Admiral Darby felt it; he had heard an excellent character of that gentleman, and he believed him to be incapable of brooking so palpable an insult. How it had been settled he knew not, but the fact was so; and further it was perfectly well known, that Admiral Darby had returned to port with the advice of his officers, in consequence of the appearance of the combined fleets. The mayor, however, received a letter from Lord Shuldham in about a quarter of an hour after the receipt of Mr. Stephen's letter, in which his lordship confirmed the report, that the enemy were in the Channel, and warned the mayor to communicate the intelligence to the merchants. The consequence of the admiralty letter would have been to decoy the trade of Bristol into the hands of the enemy, just as Captain Moutray's convoy had been sent into the hands of the Spaniards, by having been ordered to rendezvous at Madeira, while the enemy were cruizing in his track. It seemed, however, that though the admiralty knew nothing of the combined fleets last year in the Channel, or pretended not to know any thing of them, Lord Stormont had written to Mr. Eden in Dublin, to warn him that they were gone to cruize off the coast of Ireland, and it was pretty evident that this letter was precisely of the same date with that from the admiralty to the mayor of Bristol, in which that magistrate was informed that the enemy was not on the coast.

The combined fleets separated last year early in September; but our fleet, as usual, was kept at sea to make an empty parade after the enemy had quitted their station. They were cruizing about, while M. de la Motte Picquet came

out, and seized our St. Eustatius fleet, with all the plunder of that island. Comte de Grasse put to sea; and though by a proper use of the force we had at that very time cruising, we might have defeated him, and prevented all the dreadful consequences that afterwards attended his expedition, he was permitted to proceed; and the last consequence of our having suffered him to pass us, was the surrender of Lord Cornwallis, which could never have been effected without his naval force. When Admiral Darby was at Gibraltar with a very fine fleet, he should have been instructed to detach a part of it to the West Indies, if he should not meet with any opposition in relieving Gibraltar: such instructions would have effectually saved Lord Cornwallis, by giving us a superiority in the West Indies: but our ministers never thought before-hand: at an earlier period of the war, when Lord Shuldham was sent out with a very capital force, to protect a great convoy, he was not instructed to do any thing against the enemy.

In the West Indies we had been indulged with Sir George Rodney's frequent promises to give good accounts of the enemy's fleets, when all he had been able to do, was to fight some drawn battles; which were, he contended, generally followed with the loss of some of our islands, and therefore, in effect, were as bad as defeats. He had been employed in the despicable plunder of St. Eustatius while the island of Tobago was taken; and the business of this great conquest was not discussed time enough to prevent the catastrophe of our American career. But the last measure was the most abandoned of all, and which particularly demanded the investigation of that House, the sending out Admiral Kempenfelt with a force so inferior to that of the enemy. This had impressed the whole kingdom with surprise and indignation: either the admiralty were deficient in the necessary information, or they were negligent in having taken proper advantage of it; in either case their conduct was equally criminal. The ministry had heard that the French were doing something, and upon inquiry found, that they had fifteen ships of the line at Brest, and two at Rochford. The naval minister knew the French had twenty-one sail, but he took it into his head that only twelve would sail to the West Indies, not thinking, as he should have done, that the other nine would bear them company to a certain latitude. He therefore thought, as only twelve ships were going to the West Indies, that twelve ships could intercept them, and Admiral Kempenfelt accordingly is dispatched with that force to intercept them; when lo! as might have been expected, the French fleet amounts to nineteen sail! In consequence of which, the

British commander dares not attack them, and the object of their destination is pursued. Providence, indeed, so often our friends, interferes; throws some of their transports into our hands, and destroys others by a storm. To render this matter still more censurable, and unfold the designs of the first lord of the admiralty, at the very time Admiral Kempenfelt was sent out with an inferior force, ships fit for action were then lying in the Downs and other places. They were indeed stationed there to annoy the Dutch trade, but their being withdrawn a few days from that station could have produced no ill consequence, that could have been put in competition with the advantages that would have been derived from it.

As to Sir George Rodney, no part of his fleet, it was said, could be spared for the purpose of attacking M. Vaudreuil. The honourable gentleman could not but admire this sort of excuse, as if it was not better to stop the French from going to the West Indies than to follow them thither; for the most that had been urged was, that it would have delayed his sailing to the West Indies; not thinking, as more rational men would have done, that if M. Vaudreuil could have been destroyed here, there would have been no occasion to have sent any body to another part of the world to have done it.

The honourable gentleman remarked, that we had now been at war for some years, and, excepting in the case of Admiral Kempenfelt, no endeavour had ever been made to intercept the enemy. No one instance had ever presented itself of an attempt to prevent the enemy from sailing. That of Admiral Kempenfelt had been the very first of the kind; and it was therefore no wonder, that the minister of the naval department should have shewn himself such a novice. It had turned out that the two ships left behind to harass the enemy had done essential service. Unskilled as he was in professional matters, he could not help asking if Admiral Kempenfelt had continued to harass them with his whole force, whether he could not have done infinitely more service with his twelve ships than was effected by the two that did remain at sea; and whether his ships, being copper-bottomed, might not have a very great advantage of the enemy?

Mr. Fox said, that these were the principal points to which he wished the intended inquiry to turn. The year 1781 gave an epitome of all the blunders of the war; and therefore, for the sake of dispatch, he would confine his proposition chiefly to that period; not however forgetting the other years. The leading points in the inquiry then would be the naval operations of 1781 in their regular order — the practice of tearing

the ships in winter cruizes; and losing every advantage of local situation, and priority of appearance at sea, to prevent the junction of the enemies. These were the points, and to these every gentleman, whether landman or seaman, would be competent, because they were measures of simple policy. It was a subject which they must enter upon now or hereafter with seriousness. We had acted too long from our hopes; we must now yield to our judgment; and he warned the House not to sport longer with the feelings of a great suffering nation; nor presume to ruin a people for the sake of a man. He meant to move for a variety of papers, but they were of a nature that would take up a day or two to prepare. His first motion, that for an inquiry, he doubted not, would pass without objection. He then moved, "That it be referred to a committee, to enquire into the causes of the want of success of his majesty's naval forces during the war, and more particularly in the year 1781."

Lord North and Lord Mulgrave, after having replied to several observations made by Mr. Fox, expressed their cheerful concurrence in the motion. The committee was ordered to be a committee of the whole House.

February 7.

The House resolved itself into the said committee. As soon as the committee was formed, the clerks, one relieving the other, read through all the papers that had at various times been laid upon the table, in consequence of motions made by Mr. Fox. The reading of these papers took up three hours. This being done,

Mr. Fox rose to move a resolution of censure, founded on the facts contained in the papers. He said, that if they had been laid upon the table time enough to have been sufficiently perused by gentlemen, it would have been totally unnecessary for him to make any remarks upon their contents; for the mismanagement of our marine appeared so glaringly from the evidence of those papers, that they required no elucidation. But care had been taken, that they should not come before the House in such time, that the members could have completely digested them before it was necessary to ground any resolution on them; and they were produced in such order, or rather disorder and confusion, that it was almost impossible, after a cursory reading by the clerks, to combine the different parts that related to each other. It was on this account only that he thought himself excusable in making a few observations, which he intended to confine to four different heads.

But before he would touch upon these heads, he judged it not improper to throw out a few ideas to the committee, on subjects, which, (though they were at present out of the bounds of the inquiry he intended to press, the occurrences to which he should allude, having happened out of the year 1781, to which year he meant to confine the enquiry for the present,) were by no means inapplicable to the great object of the inquiry. The instructions given to Sir Charles Hardy, to prevent a junction of the French and Spanish fleets, had not been laid before the House; and he had submitted to it, though he was not convinced by the reasons given for withholding them; but he must needs say, that if Sir Charles was not instructed to prevent such a junction, though, at the time alluded to, we were not at war with Spain, it was an unpardonable, nay, a criminal neglect in the admiralty. From the papers just read, it appeared indeed, that Admiral Geary had received instructions for that purpose; but it was at a time when there was every degree of probability, nay, when it was known that the fleets, which he was to have kept asunder, had actually joined before he received his orders; such had been the diligence of the first lord of the admiralty, such his attention to the interests of his country! Another thing very remarkable was, that from the 1st of January, 1779, to the beginning of March 1781, not one single frigate had been stationed off Brest, to watch the motions of the enemy. This was a circumstance, which, he was convinced, even the greatest enemies to Lord Sandwich would scarcely have believed, if it did not stand confirmed by the papers that had been read; and what was still more singular than this omission, or rather shameful neglect, when frigates were sent in the month of March to cruize off Brest, it was at a time when their cruize could not be attended with any useful discovery, for it was at a time when there was no armament carrying on in that port, all the squadrons which were intended for sea having long before sailed for their different destinations. He had moved for a list of the ships employed for the defence of Jersey, at the time of the attack upon that island; but the return made to his motion was far from being satisfactory, in fact it was no return at all; for having called for the ships employed for the defence of the island at the time it was attacked, the return made was a list of ships sent to Jersey, after the expedition against it had miscarried. Having said thus much by way of preface, Mr. Fox came immediately to the year 1781, to the naval transactions of which year he confined the inquiry. In this year, he found four principal heads of accusation against Lord Sandwich.

First: that he suffered Comte de Grasse to sail for the

West Indies, without making a single effort to intercept him. From the papers on the table, it was manifest that he had had the best and most minute intelligence of the equipment, strength, and destination of the force under that officer; it was equally clear that he knew the time, or very nearly, when the Comte was to sail; and yet not the least attempt was made to block up Brest, or give the enemy battle after they had set out. There were two circumstances which in this case rendered the first lord of the admiralty highly criminal: one was, that the object of Comte de Grasse's expedition was of the most dangerous nature to this country: it was to destroy its empire in the west, and in some measure to blot the British name out of that part of the world; but great as these objects were, he was permitted to pursue them without the least molestation on the part of Lord Sandwich.

The other circumstance which rendered that naval minister highly criminal was, that at the very time he had a force at sea, equal to the complete destruction of Comte de Grasse and his fleet. Admiral Darby was then at sea with thirty ships of the line, well equipped, well manned, and in the best condition. But the evil genius of England would have it that Lord Sandwich should send such orders to Admiral Darby, as must necessarily leave a free passage for M. de Grasse; our fleet, consisting of thirty line of battle ships, put to sea the 13th of March, 1781; the French admiral, with twenty-five ships of the line, sailed the 22d; so that if Admiral Darby had not been sent out of the way, there would have scarcely been a possibility of the latter avoiding an engagement with us, either before we got to Gibraltar, or on our return from it. But Lord Sandwich, as if fearing that the French should be destroyed, sent orders to Admiral Darby to cruize off the coast of Ireland, to wait for the store-ships and victuallers that were to join him from Cork. Here was he stationed till the 27th of March, before he was joined by the transports: in the mean time, the French continued their voyage without the smallest interruption; and what was the consequence? He really wanted words to describe it; the consequence was as dreadful as if London had been burnt; we had lost our islands; Sir Samuel Hood had been defeated, or nearly so; and our losses and disgraces were completed by the surrender of Lord Cornwallis's army at York-Town.

He desired gentlemen to consider that the naval minister had it in his power to prevent all these disasters, and to have crushed them in the very embryo, by sending Admiral Darby to meet Comte de Grasse; but, instead of doing it, he sent the British fleet to cruize in a quarter where it must be entirely out of the track of the French. He desired they would

consider that it was not for want of intelligence of the designs, number, and strength of the enemy, that he omitted sending Admiral Darby to meet M. de Grasse; but it was after having had the most correct intelligence on the subject, that he sent our fleet to Ireland. He desired gentlemen would consider this, and say whether it was credible that it could have happened without treachery somewhere? But supposing treachery totally out of the question, those who should think so far favourably of Lord Sandwich, as to suppose him incapable of treachery, must still in candour admit, that from the evidence contained in the papers just read, he was totally inadequate to the management of the navy of this country. No one could conceive the reason why a fleet of 30 ships of the line should be sent out of their way to Ireland to meet the transports from Cork, which ought to have been ordered to join the fleet in the channel; if that had been the case, there was not a doubt but Admiral Darby would have given a good account of the French; and perhaps he might have arrived time enough to fall upon the rear of the Spanish fleet, which, after a cruize of two months, was returning in very foul condition, to Cadiz. It was a very great injury to our affairs, that Comte de Grasse should not have been intercepted in the European seas; but still, an able first lord of the admiralty might have seen, that it was not irreparable; for he might still have defeated the Comte's expedition, by a proper detachment from Admiral Darby's fleet. It was his business to have given orders to our commander to detach to the West Indies, if it should so happen that the Spaniards should not dispute the passage of the Streights with us. A minister of common foresight would have said to his admiral, either the Spaniards will fight you on your way to Gibraltar, or they will not. If they should not, then you will immediately dispatch a part of your fleet to the West Indies, to counteract the Comte de Grasse. This would have been the language of a provident minister; but it was not the language of Lord Sandwich. If he had so instructed Admiral Darby, a detachment of clean English ships, without convoy, would have in all probability joined Sir Samuel Hood before the Comte's arrival; and in that case there was every degree of likelihood, that the French would have been defeated.

The second head of accusation was the loss of the St. Eustatius convoy. It appeared, from the papers before the committee, that Sir George Rodney had written to the admiralty about this convoy before it sailed; and acquainted the board with the course it was to steer: this letter was received on the 25th of March. When it was received, it was well known

to the first lord of the admiralty, as the committee had learned from the papers, that a squadron was fitting out at Brest, the command of which was given to M. de la Motte Piquet. Admiral Darby was then lying off the coast of Ireland; but no orders were sent to him on the subject. Admiral Rodney's letter said, the Eustatius convoy was perhaps the richest that had ever been bound for England. Mr. Fox observed, that as to the riches that were on board of it, when he considered how they had been acquired, they were the riches, the loss of which, of all others, he should least regret; but still, as it was the duty of the first lord of the admiralty to protect it, his neglect was alone sufficient to shew how disqualified he was for the office he held. The squadron under De la Motte Piquet had been a considerable time fitting out; very regular intelligence had been transmitted to the admiralty, of the progress of preparations during the months of February, March, and April; and yet not one step had been taken to guard against it: and this was the more criminal, as we were at the time in almost daily expectation of the arrival of the Jamaica, as well as the St. Eustatius fleet: no preparation, however, was made to afford them protection; and all that was done was, that two frigates had been dispatched to meet them if possible, warn them of their danger, and enable them to avoid it, if they could, by making some port in Ireland, or going north about. One of the frigates fortunately fell in with the Jamaica fleet, which accidentally escaped the danger; but the St. Eustatius convoy was taken, at least in part, on the 2d and 3d of May. The convoy had been expected ever since the receipt of Sir George Rodney's letter on the 25th of March, and Lord Sandwich knew of the preparations of M. de la Motte Piquet from the beginning of February, and yet no step had been taken to protect the one, or defeat the other; nay, so great was the negligence of the first lord of the admiralty, that he never thought of making Admiral Darby acquainted with the expected arrival of the St. Eustatius convoy, till the 10th of May; and then dispatched a frigate to him, to give him orders to sail to a particular latitude, in order to protect a convoy, which had been taken just seven days before the frigate had been dispatched to him: now the probability was, that this frigate could not reach Admiral Darby in much less than a fortnight; so that near two months had elapsed between the receipt of Sir George Rodney's letter, giving notice of the sailing of the convoy, and the time when Admiral Darby got orders to sail for its protection.

He asked gentlemen, if this alone was not sufficient to justify any motion that he should think proper to make against

the first lord of the admiralty? There was only one excuse, which however poor for a naval minister, ought to be admitted in such a case as the present; and that was, that he really had not any force sufficient to cope with M. de la Motte Piquet; but poor as this excuse must be in the mouth of an English naval minister, Lord Sandwich was not fortunate enough to have it; for it appeared from the monthly returns, that there were ships enough in port, which, from the month of March, when Sir George Rodney's letter gave notice of the intended sailing of the convoy from St. Eustatius, to the latter end of April, might have been got ready. He read a list of the ships, and, including one or two fifties, there appeared to have been in our different ports twelve sail of the line, a force sufficient to have defeated M. de la Motte Piquet: he read also the returns from the guard ships, stating the numbers on board, from which he proved, that if we had ships, so also we had men to put on board of them: so that he concluded, that the loss of the convoy could and ought to be attributed only to the mismanagement, or something worse, of the first lord of the admiralty.

The third head of accusation was the letter from the admiralty to the mayor of Bristol. Admiral Darby, as appeared from the papers, had acquainted the admiralty, that he had fallen in with a Swedish brig, the master of which had informed him, that he had been boarded by a frigate, under Spanish colours, belonging to the combined fleets, which were then in the channel; and that in consequence of this intelligence he had thought proper to return up the channel for orders; and had put into Torbay. And here it was to be observed, that the master of the brig was an Englishman, who would not deceive his country, and whose journal confirmed his story. How did the first lord of the admiralty answer this letter? In an insulting manner, telling the admiral he did not believe the intelligence; and adding, if the account had been true that the combined fleets had appeared in such a latitude, Admiral Darby must have seen them. In answer to the mayor of Bristol, he said that the combined fleets were not in the channel, and that Admiral Darby had put into Torbay only to water. This he must have known at the time to have been a falsehood; for the admiral in his letter assigned a very different reason for returning into port, so that it looked as if the naval minister wanted to ensnare the trade of Bristol by inducing the merchants to send their ships to sea, that he might deliver them into the hands of the enemy, just as he had sent Captain Moutray into the hands of Admiral Cordova. But to shew how completely the admiralty either had been deceived itself, or had deceived the

mayor of Bristol, it appeared that Lord Stormont had, on the very day of the date of the admiralty letter to the mayor, sent an express to Lord Carlisle, with positive intelligence that the enemy was in the channel.

The fourth charge related to the management of the Dutch war. That war was, he said, of all foolish, absurd, and mad undertakings, the most foolish, the most absurd, and the most mad. It had been represented to that House, in order to get them to approve of the war, that the Dutch were in a most defenceless state; that there was a very great party for us in Holland; and that we had only to make a vigorous effort in the beginning, to give that party the superiority in the councils of the republic. Upon such a state of the case, would not any one have expected, that the naval minister would have signalized the outset of the Dutch war by an appearance of an English squadron in the Texel? An attack might surely be expected to be attended with every success that we could wish for; but nothing was more foreign to the intention of Lord Sandwich: he suffered the enemy to equip those ships which he might have destroyed in the Texel; and then brought them to an action, which certainly redounded greatly to the honour of Admiral Parker and his officers, and of the enemy too; but which was far from ending in so decisive a victory as might have been expected, over an enemy who was represented as weak and enervated. In this case also, as in that of the St. Eustatius convoy, Lord Sandwich had many ships which he might have sent to reinforce Admiral Parker: the Sampson, of 64 guns, was one, which instead of sending directly to the admiral, Lord Sandwich sent to the grand fleet, to which place she was to be sent for, if wanted. Here he took an opportunity to retract a thing which he had asserted, in a former debate, namely, that it was mere chance that had made the Berwick fall in with the squadron in the North Sea. This he found not to be true, for it now appeared that it was by order of the admiralty she had joined the squadron. The squadron under a very gallant friend of his, and a member of that House, Captain Keith Stewart, had been kept in the Downs for the purpose of watching the Dutch; how well they had been watched, the safe arrival of Admiral Byland had proclaimed to the world: yet in this, he presumed, his gallant friend was not to blame; at least, he had never been called to an account for it.

As an epitome of all the other charges, he subjoined a fifth, drawn from the latest circumstance, that of the meeting between Admiral Kempenfelt and the Brest fleet. He read the names of the ships which might have been sent out to join

our rear admiral; and which, including the squadron in the Downs, made about twenty sail of the line. With this force which might, he said, have been sent out, it was not to be doubted but through the known bravery and abilities of Admiral Kempenfelt, we should have completely destroyed the French fleet and convoy.

He concluded, by observing, as he had done already on a former occasion, that his first motion ought to be for the removal of Lord Sandwich from his majesty's councils; but he thought it inexpedient now; he would first move a censure upon him, and if he should carry that, he would follow it up with an address to the king, which no doubt would have its effect; and then, undoubtedly, he would pursue the inquiry through every part, when the minister, whose administration should be the subject of it, should no longer be vested with the power to defeat it. He then moved the following resolution: "That it appears to this committee, that there has been gross mismanagement in the conduct of of his majesty's naval affairs, in the year 1781."

The general conduct of the naval war was defended by Lord Mulgrave, Lord North, and Mr. Penton. After a long debate, in the course of which Mr. Fox was supported by Lord Howe, Mr. Webb, Mr. John Townshend, Mr. Pitt, Sir Fletcher Norton, Mr. Sheridan, and Admiral Pigot, the committee divided: Yeas 183: Noes 205. Majority against Mr. Fox's motion 22.

February 13.

Mr. Fox said, that a circumstance had occurred to his mind, which he did not think of at the time when the debate of Thursday last was concluded; and that was, that the resolution he had moved that day in the committee, relative to the mismanagement of the navy, could not be entered, as the proceedings of a committee must be reported to the House, before they can find their way into the journals; and as in the case he alluded to, the committee had not come to any resolution, his motion having been negatived, there was of course nothing for the committee to report. He was resolved, however, at all events, that his motion should appear upon record, and go down to posterity; and therefore he then gave notice, that on Wednesday next, he would move in the House, a resolution, substantially, if not literally the same, as that which on Thursday last had been rejected in the committee.

February 20.

Mr. Fox rose to call the attention of the House to a motion which he had intimated against the admiralty board; but he would not trouble the House, he said, with all the arguments that had been so well and accurately stated by many gentlemen in the committee, respecting the most shameful manner in which our naval affairs had been conducted of late years, for he saw no reason for it; every thing that ministers had advanced in favour of the Earl of Sandwich had been so ably answered, that he was confident every gentleman was satisfied in his own mind, and he trusted that there were scarcely two opinions in the House. The very respectable number that had divided on this motion in the committee, although not successful, would, in any other administration but the present, have been looked upon as a majority, for it certainly contained the voice of the people; and no minister, but the present, would think of continuing a man in office whom the voice of the people was so much against, and with so much justice. He had been informed, he said, out of the House, that many gentlemen would have voted with him in the committee, but his declaration of following up his motion, if successful, for the dismission and punishment of Lord Sandwich, had deterred them: now, he hoped no gentleman would mistake him, for they were all different and distinct propositions; they might vote for one, and reject the other: but he begged leave to caution them against being lulled into a belief of redress; for a report had been industriously spread, that Lord Sandwich was to retire; that report was therefore calculated merely to serve the particular purpose of the day, and throw gentlemen off their guard: but what faith was to be put in the minister's promise was plainly to be seen by his former conduct. At the beginning of this session he promised that the American war should be conducted on a narrower compass, and that it was to be a war of posts; but no sooner was his end answered, and the supplies voted, than he changed his tone, and that brave, gallant, and judicious officer, Sir Guy Carleton, was appointed to carry on that war. To be sure, to appease the people, one of the chief leaders of that war had been removed*; but what was the consequence of his removal? a person was appointed in his

* On the 11th of February, Lord George Germain, disagreeing with the other members of the cabinet on the future conduct of the war, resigned his office of one of the principal secretaries of state, and was raised to the peerage, by the title of Lord Viscount Sackville. His office was bestowed on Mr. Welbore Ellis, afterwards Lord Mendip.

stead who was a known friend to the American war, and a staunch supporter of it ever since it first began. Therefore, as we found the minister's promise was not to be relied on, we should not let the opportunity slip; but while we had it in our power we ought to have exerted ourselves in doing our country that justice which it loudly called for. He begged gentlemen not to imagine that his proceeding in this business was in any shape personal against the noble lord who was at the head of the admiralty, nor that it tended to any criminal proceeding. He had nothing to say to the Earl of Sandwich; it was to the board of admiralty; and gentlemen ought not to be induced from personal regard to that noble lord to fail in the execution of their public duty. He therefore hoped every gentlemen would lay his hand upon his heart, and he was then confident they must be of his opinion, and would vote with him, "That it appears to this House, that there has been great mismanagement in the conduct of his majesty's naval affairs, in the year 1781."

The motion was opposed by Earl Nugent and Mr. Dundas. Sir William Dolben, who had supported Mr. Fox in the committee, and was supposed to have weight with those members who were called country gentlemen, declared his resolution of voting against him on the present occasion, on account of the intimation he had given of his design to move an address for the dismission of the first lord of the admiralty. This he thought by far too hasty and precipitate a proceeding. Lord Howe also declared, that though he could not, in honour, avoid voting for the resolution before the House, yet he should certainly be against the next step proposed. He asked, if gentlemen were provided with a proper successor, who would act with the present servants of the crown? The plan of the ensuing campaign was also, he said, certainly arranged, and he doubted whether at such a moment it would be safe to overturn the actual administration of the marine. Mr. Fox was ably supported by Mr. William Pitt, who laid his hand upon his heart, and declared that he thought the whole of the proposition fully, clearly, and expressly proved. General Conway, Sir Horace Mann, Mr. Dunning, Admiral Keppel, Mr. Sheridan, Mr. Thomas Pitt, and Mr. Taylor, spoke also in support of the motion. The House divided:

	Tellers.			*Tellers.*	
YEAS	Mr. Wm. Pitt Mr. Byng	217.	NOES	Lord Mulgrave Mr. J. Robinson	236.

So it passed in the negative.

General Conway's Motions for putting an end to the American War.

February 22.

THE appointment of Mr. Welbore Ellis to the office of secretary of state for the plantation-department, vacant by the resignation of Lord Sackville, and of Lieutenant-general Sir Guy Carleton, to succeed the commander-in-chief of the forces in North America, having occasioned a general alarm amongst those who were persuaded that there still existed a secret and obstinate attachment in the court to the prosecution of the war against the colonies, it was resolved to make another attempt in the House of Commons, to bind up the hands of the executive government, by a strong and explicit declaration of the opinion of parliament. With this view, General Conway, on the 22d of February, moved, "That an humble address be presented to his majesty, earnestly imploring his majesty, that, taking into his royal consideration the many and great calamities which have attended the present unfortunate war, and the heavy burthens thereby brought on his loyal and affectionate people, he will be pleased graciously to listen to the humble prayer and advice of his faithful Commons, that the war on the continent of North America may no longer be pursued for the impracticable purpose of reducing the inhabitants of that country to obedience by force; and expressing their hope, that the earnest desire and diligent exertion to restore the public tranquillity, of which we have received his majesty's gracious assurances, may, by a happy reconciliation with the revolted colonies, be forwarded and made effectual, to which great end his majesty's faithful Commons will be ready most cheerfully to give their utmost assistance." The debate on this occasion lasted till two o'clock in the morning. All the arguments used on former occasions were recurred to on both sides. The ministers continued to hold the same vague and undetermined language as before. In reply to Mr. Welbore Ellis, and Mr. Jenkinson,

Mr. Fox, in an able speech, exposed the duplicity of ministers. He said he was happy to find, on a late occasion, two hundred and nineteen honest, independent men. If the people would only consider the vast number of contractors and placemen, that unworthily and unjustly had seats in that House, they must be convinced, that a majority of nineteen, for a minister was, in fact, a minority, as it proved most clearly and unequivocally that the voice of the people were against him. He was severe on administration, and was glad to find that he had discovered who the evil spirit was that conducted all our mischiefs; it was a person higher than the noble lord in the blue ribbon: for the noble lord was only his puppet, and acted as he was told. The right honourable

gentleman (Mr. Ellis) had spoke out. He now understood what was meant. He would take the word of a principal. The other persons on the same bench with the right honourable gentleman, though ostensible ministers, were only secondary kind of beings compared to him. That infernal spirit that really ruled, and had so nearly ruined this country, which was much greater, though not so visible as ministers, had spoken through the right honourable gentleman's mouth. He said, it was now evident, that the war was to be pursued in America in the same mad manner in which it had been conducted hitherto. He talked of the distinction of carrying on a war with America, and in America, and said, every body had hoped from what had fallen from the lord advocate, and the noble lord in the blue ribbon before the holidays, that the war in future was only to be continued with America, and not in America. But the right honourable gentleman's explanation of the sort of war of posts to be adopted, had fully convinced him. He declared, if the learned lord advocate did not vote for the present motion, what he had said before the holidays would bear the construction of having arisen from personal animosity; otherwise how was his speaking against one minister, and supporting another for pursuing the same measures in the same manner, to be accounted for?

The House divided:

	Tellers.			*Tellers.*	
YEAS	Mr. Byng Mr. Hussey	193.	NOES	Mr. J. Robinson Mr. W. Adam	194.

So it passed in the negative.

February 27.

The above division having afforded the ministry the melancholy majority of a single vote, was considered by Opposition as a complete victory on the subject of the American war; and as a majority of the absent members were supposed to coincide in opinion with the former, it was resolved to bring the question before the House again the first opportunity. Accordingly, this day General Conway moved, "That it is the opinion of this House, that the farther prosecution of offensive war on the continent of North America, for the purpose of reducing the revolted colonies to obedience by force, will be the means of weakening the efforts of this country against her European enemies, tends, under the present circumstances, dangerously to increase the mutual enmity, so fatal to the interests both of Great Britain and America, and, by preventing an happy reconciliation with that country, to frustrate the earnest desire graciously expressed by his majesty

to restore the blessings of public tranquillity." The motion was seconded by Viscount Althorpe, and opposed by Lord North, in a long and able reply. He objected to it as unnecessary, after the assurances that had been given by government; as dangerous, on account of the information it conveyed to our enemies; as impolitic, because it entirely took away from the executive government the use of its discretion; as tending to retard rather than to advance the attainment of peace, the great object in view by both sides of the House. He therefore could only consider the motion as a party measure, and, in that light, he thought it not less exceptionable. If, said he, the House suspects the sincerity of the servants of the crown, if they have any doubts of their ability or integrity, it is not by such a motion as the present that they ought to express their sentiments; they ought to address the crown to remove those ministers in whom they could not place confidence, and to appoint others in whom they could confide. A minister, he said, ought no longer to continue a minister after he was suspected by that House. He should be like Cæsar's wife, not only free from guilt, but even from suspicion. If, indeed, the House should shew that they had withdrawn their confidence from him, it would be his duty, without waiting for an address for his removal, to wait upon his sovereign, and, delivering up the seals of his office, say to him, "Sir, I have long served you with diligence, with zeal, and with fidelity, but success has not crowned my endeavours; your parliament have withdrawn from me their confidence; all my declarations to them are suspected; therefore, Sir, let me resign to you those employments, which I ought not to keep longer than I can be serviceable to your majesty and your subjects." Lord North was followed by the attorney-general, Mr. Wallace, who observed, that there were many more obstacles to be removed, in order to treat of peace with the Americans, than the House seemed to be aware of. At that moment, several acts of parliament were in existence, which would prove insuperable bars to such an attempt. He therefore should recommend, that as the first necessary step, a truce; during the continuance of which, the enmity, occasioned by the violence of the contest, might subside; and each party, being at leisure to consult their real interests, might accede to terms of peace, which, having undergone a slow and temperate discussion, might prove more honourable and advantageous, as well as more likely to secure a permanent union, than those resulting from sudden overtures and sudden acquiescence. He declared his intentions of bringing in a bill, with the permission of the House, for these purposes; and he should therefore move, "That the debate be adjourned till this day fortnight." This attempt was combated by Mr. Fox and several leaders of Opposition. Mr. William Pitt was particularly severe on the motion of adjournment; and on the ground of Lord North's own declaration, urged the House, by every consideration of duty or prudence, to withdraw confidence from the present administration. Was there a promise, he asked, which they had not falsified? Was there a plan in which they agreed? Did any two of them accord in

any specific doctrine? No! there was an incessant variation: a shuffling and tricking pervaded their whole conduct, and in them parliament could place no trust.' The debate lasted again till two in the morning, when, though the proposition of the attorney-general was supposed to have brought over a few irresolute votes to the side of the minister, there appeared for the adjournment only 215; against it, 234, exclusive of the two tellers on each side. The number of those who were present at the beginning of the debate, but had paired off in the course of the evening, were said to have amounted to 14. The original question, and an address to the king, formed upon the resolution, were then carried without a division, and the address was ordered to be presented by the whole House.

March 4.

The Speaker reported to the House, that the House had attended his majesty with their address, to which he had been pleased to return the following answer:

" Gentlemen of the House of Commons: There are no objects nearer to my heart than the ease, happiness, and prosperity of my people. You may be assured, that in pursuance of your advice, I shall take such measures as shall appear to me to be most conducive to the restoration of harmony between Great Britain and the revolted colonies, so essential to the prosperity of both; and that my efforts shall be directed in the most effectual manner against our European enemies, until such a peace can be obtained as shall consist with the interests and permanent welfare of my kingdoms."

The thanks of the House being unanimously voted to the king for his gracious answer, General Conway rose again, and moved, " That, after the solemn declaration of the opinion of this House in their humble address presented to his majesty on Friday last, and his majesty's assurance of his gracious intention, in pursuance of their advice, to take such measures as shall appear to his majesty to be most conducive to the restoration of harmony between Great Britain and the revolted colonies, so essential to the prosperity of both, this House will consider as enemies to his majesty and this country, all those who shall endeavour to frustrate his majesty's paternal care for the ease and happiness of his people, by advising, or by any means attempting, the farther prosecution of offensive war on the continent of North America, for the purpose of reducing the revolted colonies to obedience by force." Lord Althorpe seconded the motion. Lord North declared, that in pursuance of the address, and of the king's answer, he should use every effort to fulfil their orders, relying on their further instruction, if he appeared to misapprehend their intentions. He considered the motion unnecessary, as it only reinforced declarations already sufficiently strong.

Mr. Fox rose to speak but a few words on the motion; for as the noble lord in the blue ribbon had said that he should

not oppose it, there was no occasion for him to enter into any detail of argument in defence of the proposition; some things, however, had dropt from the noble lord, on which he must animadvert. "But he must first beg leave to say, that he was one of those who were completely and totally dissatisfied with the answer of the crown to the address of that House. When he spoke in this manner, he would undoubtedly be understood to mean, that he was dissatisfied with the answer which his majesty's ministers had advised his majesty to give. It was the answer of the ministers, and among others, of that minister who had, on that day, been heard to declare, that he disapproved of the resolution of the House on which the address was founded; they had put an answer into the mouth of his majesty which he could not approve of, because it was not an answer sufficiently clear and specific. For what did it say? That his majesty would be graciously pleased to put an end to the offensive war carried on in America, for the purpose of reducing the Americans to obedience by force? No. But that his majesty would take such measures as shall appear to him (that is, as shall appear to his ministers) conducive to the restoration of harmony. Could this be satisfactory? Parliament had pointed out the specific means by which to accomplish the object; namely, by putting an immediate stop to offensive war; but his majesty's ministers, instead of declaring in their answer that they would guide themselves by this advice, make his majesty declare that they will take such steps as appear to them conducive to the object. He was not in the House when the motion for an address of thanks was agreed to, as he understood, unanimously; if he had, notwithstanding what he had just said, he should have voted for it, for he was careful to distinguish between the obligation that was due to his majesty personally for the grace of his answer (and he sincerely believed that his majesty was, in his royal mind, most graciously disposed to restore the blessings of peace to his unhappy people), and those ministers who wished to make the crown follow a plan of conduct directly opposite to the advice of his faithful commons. This answer of the ministry, coupled with their language in that House, was perfectly intelligible; for here they declared, and particularly the minister for the American department, that the best way to conclude a peace with America was to make them feel the calamities of war. This expression the new secretary of state (Mr. Ellis) had made use of but a few days before. His majesty, he sincerely believed, wished to conclude peace with America, as his faithful Commons had advised him; but his ministers undoubtedly meant no such thing, for their language was different.

But the noble lord had said, that he never would, nor should any man presume to act in contradiction to the voice of the majority of that House; nor dare to call it in question; nor dare to abuse it, in any shape. For his own part, he must claim to himself the right of declaring his opinion freely and fully of the conduct of parliament, in discharge of his own conscience, and of his duty. When majorities acted wrong in his opinion, he would, both within that House and out of it, declare his disapprobation of their conduct: but the noble lord pronounced it, as the indispensable duty of a minister to hold the decision of the majorities of that House in the strictest reverence. Had he always done so? Did he not remember the vote of a majority of that House, declaring that the influence of the crown ought to be diminished? What, then, was his duty upon that occasion? Surely, to second the endeavours of that majority to reduce the influence. Did he so? No. He there counteracted, opposed, and at last defeated and destroyed the desire of that House; nay, he advised the crown, in a shameful manner, to dissolve the parliament before its regular period, lest they should, in another session, carry into execution the resolutions of a former. Did he not, by his conduct, bring upon that House the disgrace and ignominy of having declared what was their duty, and afterwards failed to perform it?

If the noble lord sought for credit in his declarations of respect for the decision of majorities, let him now come to the resolution of the 6th of April, 1780, and reduce the influence of the crown, and then he would be considered as a fair man; but the noble lord would otherways incur the censure of saying things in argument which he by no means meant to abide by. His situation was truly embarrassing. He had said in debate the other evening, and he had said it by way of menace, that if the voice of the House should be against him, that was undoubtedly by being against the principle and system of his administration, he would no longer continue in place. The House had been against him; the majority of the House was against him; and still the noble lord kept his place. Such was his respect for majorities, and such the credit that ought to be given to his declarations in that House! But it was no way strange, that he should now affect to pay regard to the decision of majorities; he stood in a situation which, he would be bound to say, had not been precedented since the revolution; he remained in place when the House had condemned the system. Being then to carry on measures contrary to his own opinion, what must be done? When he went into his sovereign's presence,

he must address him in language to the following effect:— "I am come, Sire, to advise you to a measure, which is expressly contrary to my own opinion, and to all I ever told you; but, however, it is the opinion of a majority of the House of Commons." The noble lord was to gather every thing from the opinion of that House, since he seemed resolved to carry on measures of which he disapproved, if this country should be so reduced, so poor in spirit, or so indifferent as to suffer a minister to have the conduct of affairs in a moment so dangerous as the present, when he dared not to execute his own plans.

The free, uncorrupt voice of the majority of that House was, indeed, respectable. He did respect it; and respecting it, he must condemn and despise the majorities of another description, which the minister had procured by means of corruption. When he saw a majority, composed of contractors, whom a majority of that House had previously declared to be ineligible to sit there, he could not respect that majority. The House having, by solemn resolutions, declared contractors, the lords of trade, and certain other officers of the state, incapable of sitting in that House, he could not afterwards respect a majority made up of those men alone. He thanked God that the House of Commons had come to the resolutions of Friday last. Whatever were their present effects, they must, in the end, be decisive; for they had, by those resolutions, broken, destroyed and annihilated the principle and basis of the present system; they had overcome corruption; and, the system, thus deprived of its foundation, must crumble into pieces. It was impossible to believe that the ministry could be so daring and profligate as to go on after what had happened on Wednesday last; they could not have the presumption, surely, after the tidings that had come that day; they could not be impudent enough to go on. That day they had heard that the important island of Minorca was lost; that the garrison, consisting of 1500 men, had surrendered prisoners of war; and that there were circumstances in the loss of this island, which made it particularly criminal in ministers; for, besides the loss of the garrison, he understood that there were several regiments now on their way to relieve the place. In the last war, the loss of this important fortress and island drove a much greater ministry than the present from their seats. The nation would not then suffer loss, disgrace, and calamity, without calling their rulers to a severe account. Would they now suffer loss after loss, disaster after disaster? Were they so habituated to defeat? Had ministry made them so familiar with sorrow that they could now bear loss without a complaint?

He hoped not. He had heard that day another report; he sincerely hoped it was not true; he had no other reason for believing it, but the probability, that the most important island remaining to us in the West Indies, except Jamaica, he meant St. Kitt's, was taken. He desired ministers to inform the House, if it was true that this calamity also had come upon us; and where they meant to stop; when they would confess that they had done enough. From his soul, he believed, that such was their accursed obstinacy, that even when they had lost nine-tenths of the king's dominions, they would not be satisfied till they had mangled and destroyed the last miserable tenth also — pride and obstinacy were so predominant in their nature!

He could not help observing with pleasure, the triumph of men in every quarter, on the resolutions of the House on Wednesday last. The exultation, the triumph, the hope, painted and expressed in every countenance, was a test of the desire which they had for the object recommended in that House, and the consequences that it had produced on the funds, and on the credit of the nation, were also inconceivable. The people saw or heard of our triumphs without emotion. They heard of the victories obtained by his majesty's ministers without gladness. The stocks remained the same, the faces of men wore the same gloom; but on the instant that a victory was gained over his majesty's ministers, whom they considered as the greatest enemies of their country, their joy was immoderate, the funds were immediately advanced, and the credit of the nation raised, because there was a prospect of the ministry going out of place. All yet would be well in their conception, if this should be brought about. When the noble lord, two years ago, brought in a bill for conciliatory propositions with America, the funds were not affected; they hoped for no benefit from any thing that he should undertake; but when the parliament declared it, they instantly proclaimed "now that the minister is beaten the country may be saved." He professed that, though he could not thank God for the many calamities which had overtaken this unhappy land, in consequence of the fatal system by which the king and people had been deluded, he still considered it as beneficial that the triumph of Wednesday last had not come sooner. It had, coming as it did, completely and effectually destroyed corruption; the reign of it was at an end. If the conquest had come sooner, before we had been so instigated against the baneful consequences of a system of corruption, perhaps there might have been contrived some paltry and insignificant coalitions, which would have made the system more palatable. Now they were roused, and leagued by a sense of

common danger, to a plan of general and united action; though the administration might go on for a day, a week, a month, or a year, it was nothing to a man who viewed things on a great scale; the foundation was taken from it on Wednesday last; it must fall down, and then an effectual remedy would be found to prevent its ever rising again.

Ministers did not venture to divide the House; the motion, therefore, after a feeble opposition, was agreed to.

THE ATTORNEY-GENERAL'S BILL FOR ENABLING THE KING TO CONCLUDE A PEACE OR TRUCE WITH AMERICA.

March 5.

The House having resolved itself into a committee, the Attorney-General, Mr. Wallace, moved, "That leave be given to bring in a bill to enable his majesty to conclude a peace, or truce, with the revolted colonies in North America."

Mr. Fox assured the committee that nothing but the personal respect he bore the learned gentleman had prevented him from treating the proposition just as it deserved to be treated; and that was to burst out a laughing when he had heard it, and then walk out of the House; for nothing could be so ridiculous and farcical as to hear such a proposition from that side of the House, and from a member who, on Wednesday last, had combated, as far as he was able, a resolution, the obvious tendency of which was that very peace with which the learned gentleman seemed at present enamoured. The supporters of administration entertained at present a wish for peace; but they had been beaten into it; and nothing but flagellation and correction could drive them to think of peace: pity it was that so much correction should be necessary!—The learned gentleman had said, and said truly, that opening our ports to the Americans, and facilitating mutual intercourse with them, was the most effectual way to incline them to return to that preference which they used to give to our market over any other. Pity it was, that the learned gentleman and his friends had not discovered this four years sooner; then we should not have to lament the loss of America and our West India islands; we should not have to regret the loss of Minorca, or be reduced to this melancholy situation, that of all our foreign possessions, those in India excepted, we

could scarcely say, that we had now remaining more than Jamaica and Gibraltar; and God only knew how long these might remain in our hands! When he rose, it was not with an intention either to support or oppose the motion of the learned gentleman, from which however he was free to say, that he expected very little good; but before he should consent to furnish ministers with the means of making peace, he would ask how far it was probable that they were inclined to make peace? Gentlemen knew well that Spain had offered her mediation, before she declared war. Would ministers tell upon what grounds it was rejected? In the year 1781, one of the most powerful princes of Europe had offered a mediation. Upon what principle was it rejected? Those who did not listen to mediations, could scarcely be called friends to peace: but if measures destructive of peace had been pursued, would any one say that the present ministers were inclined to it, or proper agents to negociate it? Was it true that our ministers had flatly refused to suffer any agents from America to meet their plenipotentiaries, under the mediation of the prince alluded to? If it was true, then it was to be concluded, that as they had driven the Americans to treat through France, they would consequently have taken the most effectual means to rivet the alliance between them; and of course nothing could be more injurious to the interests of this country. The learned gentleman therefore, in looking for the impediments and bars to peace, which he was desirous to remove, ought to look to his right and to his left, and in the persons of his friends, the ministers, he would find those impediments. Before he sat down, he had a proposal to make to ministers; he would inform them for certain, that there were persons now in Europe, who were fully empowered to treat for a peace between Great Britain and America; and though he believed they would not treat with the present ministers, still he would put them in a way of making peace; nay more, if they did not like to interfere in it themselves, he would undertake to negociate for them himself. He saw a learned gentleman smile at his proposal; he was not surprised at it; nor could he have brought himself to make it, if the good of his country did not urge him to it; and he might propose it, without being guilty of more inconsistency than the noble lord, who condemned the resolution of Wednesday last, for peace with America, though at present he was willing to act every day contrary to his inclination; and to be constantly advising the sovereign to pursue those measures, which he so much condemned. Our affairs were so circumstanced that ministers must lose their places, or the country must be undone: he would therefore let them enjoy those emoluments,

which they held so dear, provided he could save his country: for this end he was willing to serve them in the business of peace, in any capacity, even as an under commis, or messenger. But in so doing, he desired it might be understood that he did not mean to have any connection with them: from the moment when he should make any terms with one of them, he would rest satisfied to be called the most infamous of mankind: he could not for an instant think of a coalition with men, who in every public and private transaction, as ministers, had shewn themselves void of every principle of honour and honesty: in the hands of such men he would not trust his honour, even for a minute.

Lord North explained the manner in which mediations had been offered, and answered Mr. Fox's insinuations against his honour. He would not, he added, relinquish his office merely because so much eagerness was shewn to drive him out; but as he had hitherto retained it to prevent confusion, and the introduction of unconstitutional principles into government, he would not resign till commanded by the king, or till the House should, in the clearest manner, indicate the propriety of his withdrawing.

Mr. Fox assured the noble lord, when he said he was dishonourable in private transactions, he meant in such as were of a half public, half private nature; and not at all in his private character, or in such part of his public character as related to money matters, in which he was ready to admit that he stood clear from every imputation. He wished however, in every other respect, it should be believed that he had spoken no harsher than he meant. He ridiculed the idea of the noble lord's remaining in office to prevent confusion; and was surprised at the difference which he found in the noble lord's language on this day and Wednesday last, relative to resignation.

The motion was agreed to without a division.

Lord John Cavendish's Motion of Censure on Ministers.

March 8.

THE following resolutions were moved by Lord John Cavendish:—1. "That it appears to this House, that since the year 1775, upwards of one hundred millions of money have been ex-

pended on the army and navy in a fruitless war:—2. That during the above period, we have lost the thirteen colonies of America, which anciently belonged to the crown of Great Britain, (except the posts of New York, Charles-Town, and Savannah,) the newly acquired colony of Florida, many of our valuable West India and other islands, and those that remain are in the most imminent danger:—3. That Great Britain is at present engaged in an expensive war with America, France, Spain, and Holland, without a single ally:—4. That the chief cause of all these misfortunes has been the want of foresight and ability in his majesty's ministers." The resolutions were seconded by Mr. Powys, and supported by Mr. Martin, Mr. Thomas Townshend, Mr. Burke, Sir Horace Mann, Lord Maitland, Mr. Fox, Sir Fletcher Norton, Mr. Thomas Pitt, Mr. Sheridan, Mr. Byng, and Mr. William Pitt. The order of the day was moved by the secretary at war, and supported by Mr. Secretary Ellis, Earl Nugent, Mr. William Adam, Mr. Dundas, Mr. Rigby, and Lord North.

Mr. Fox rose, and answered the several matters thrown out by Mr. Adam. He had declared, and he repeated the assertion, that he would be an infamous man, who should, on coming into place, abandon the principles and professions which he had made when out of place. He was happy to say that every principle he had ever held had been adopted by a majority of that House, the decision of which had given sanction to his opinions. The two great leading principles of his mind, in which he differed from the King's ministers, were, the prosecution of the American war, and the influence of the crown; in both these matters he had been supported by the opinion of parliament. The resolutions of the 27th of February had condemned the American war, and those of the 6th of April, 1780, had declared that the influence of the crown ought to be diminished. The general principle of reducing that influence he warmly adopted. The corruption of that House was intolerable, and to all the resolutions which the House had come to at that time, for excluding contractors, for excluding the members of the board of trade, of the board of green cloth, &c. he, from his heart, subscribed. All these members the House had declared to be incapable of sitting and voting in that House. By taking up the list of the division on the late memorable occasion, instead of leaving the minister in a minority of nineteen, he would prove, that, by taking away these contractors and placemen, who were declared by the House to be incapable of voting, the majority against the minister was upwards of a hundred. To all the details prepared for the reduction of influence, he did not subscribe; but in this he was clear and decided, that that House ought to be made what it was originally intended to be—the representative of the nation. With respect to

shortening the duration of parliament, it had always been his opinion, that it ought to be shortened; it was, however, a question on which honest men might differ, for honest and free men would differ; and he was clearly of opinion, that the shortening the duration of parliament would do nothing, without reducing at the same time the influence of the crown; but he thought the shortening the duration of parliament would be one great means of reducing that influence. He could not help expressing his astonishment at the honourable gentleman's declaring, that septennial parliaments were chosen as the wisest and most consonant to the general well-being of the state, by those respectable and great men, the Whigs, who settled the constitution, when the Revolution took place. He reminded the House that the bill for septennial parliaments was a bill of modern date, and though it might not be practicable to alter that mode immediately, he still was of opinion that annual or triennial parliaments would be an improvement, calculated to preserve the privileges of the people from the encroachments of the prerogative of the crown.

Having said this, he begged leave to explain a matter which he had urged on a former evening, and which he understood had been misapprehended. It had been thought that he gave out that there would be formed an administration of proscription. This he positively denied; on the contrary, it was the desire of those with whom he had the honour to act, to form an administration on the broadest basis; an administration which should take in all that was great and dignified in the empire; to collect all the ability, the talents, the consideration, and the weight of the nation; to draw within its arms every man of influence, every man of popularity, every man of knowledge, every man of experience, without regarding his particular opinion on abstract points, and to employ all this body of strength to one great end, the deliverance of the empire. He had said only, that he could form no connection with the present cabinet; that he should be infamous if he did. He thought, however, that they had no weight nor consideration in the country, as private men. Even among them, there was one, however, for whom he entertained great respect. He meant the lord chancellor: a man who had always taken care to convince the world, that he had no share in their measures. The sense of the nation called for a change of men, as the only probable means of producing a change of measures, and a peace with America, who would not treat with her resentful and avowed foes, the members of the present administration? What was to be expected from an American secretary and a minister, who severally maintained their former sentiments respecting America, and

who considered the vote of Wednesday se'nnight as a fetter on their inclinations. The times required it, and he hoped to God, the country would soon have an administration settled on a broad bottom, in which they could place confidence, and from whose measures they might rationally hope for success. It was by driving the present weak, wicked, and incapable advisers of the crown from the person of his majesty, that the country could alone expect to recover from its present disgrace and misfortune. The propositions moved by his noble friend that day, he was convinced in his own mind, would tend to produce that great and desirable object; and, therefore, wishing as he did for the removal of the noble lord in the blue ribbon, and such of his colleagues as had been the planners and conductors of the accursed American war, as the best blessing he could wish for his country, he should vote against the motion for the order of the day.

In explanation of his description of the broad-bottomed administration, which his friends desired to form, he said, that they would proscribe no men, of any principles, in the present dreadful moment, but the five or six men who were now, and had been, the confidential advisers of his majesty in all the measures that had brought about the present calamities. To demonstrate his meaning by an example, they did not even wish to proscribe the learned lord advocate, although they abhorred his notions of the constitution. He then spoke of his idea of consulting the voice of the people without doors. It was clearly his opinion, that the people ought to declare their opinion of men and things; and that to do this, they had a right to meet and consult together, provided they did it in a peaceable, orderly manner. He would add to this, that when that House should become so lost to all sense of duty, and so far gone in corruption as to abandon the rights of the people altogether, and to become the passive instruments of the crown, then it might be justifiable for the people to revert to the original principles of the constitution, and to resume the direction of their own affairs, so as to preserve the popular weight in the scale of government. The present administration was the first since the revolution that had dared to deny this right. But, said he, make parliament the representative of the people, and their voice will be collected within these walls.

The debate lasted till past two o'clock in the morning, when the House divided on the order of the day:

	Tellers.			*Tellers.*	
Yeas {	Mr. W. Adam Mr. J. Robinson	} 226.—	Noes {	Mr. William Pitt Mr. Byng	} 216.

Majority in favour of ministers 10.

Sir John Rous's Motion for withdrawing the Confidence of Parliament from the King's Ministers.

March 15.

THE interval between the 8th and the 15th of March was generally supposed to have been employed in various unsuccessful attempts to divide the party in Opposition. On this day, Sir John Rous moved, "that this House, (taking into consideration the great sums voted, and debts incurred, for the service of the army, navy, and ordnance, in this unfortunate war, to the amount of upwards of one hundred millions; and finding that the nation has, notwithstanding these extraordinary exertions, lost thirteen ancient colonies belonging to the crown of Great Britain, the newly-acquired province of West Florida, and the islands of Dominica, St. Vincent, Grenada, Tobago, and Minorca, besides several valuable commercial fleets, of the utmost importance to the wealth of this country; and that we are still involved in war with three powerful nations in Europe, without one single ally,) can have no further confidence in the ministers who have the direction of public affairs." The motion was principally supported by Lord George Cavendish, Mr. Harrison, Mr. Marsham, Mr. William Pitt, Mr. Fox, and Lord John Cavendish; and opposed by Sir William Dolben, Mr. William Adam, and Mr. Dundas. Lord North spoke with considerable emotion and embarrassment, to which the peculiarity of his situation must doubtless have much contributed. In a most able speech he defended his own character and administration. He did not object to the present motion so much as to that of the preceding week; it was divested of anger, its terms moderate, and its intent clear and defined. He sincerely wished for peace, and for such an administration as could act with unanimity and effect for the national good. He would be no obstacle to a coalition of parties, for the formation and adjustment of a new cabinet in which he should have no place. This idea was strenuously enforced by Mr. Dundas, and warmly reprobated by Mr. William Pitt, who defined a coalition to be a collection and combination of all the abilities, integrity, and judgment of several parties, and turning the united exertion to the service and salvation of the country. The administration had been one of influence and intrigue; he thanked God it was likely to terminate, but trusted the House would not contaminate their own purpose by suffering the present ministers to manage the appointment of their successors. It was the prerogative of the crown to appoint ministers, neither did it become the House to settle who were to hold places, or adjust and investigate the measures to be pursued.

Mr. Fox began with saying, that he could not help admiring the conduct of the worthy baronet (Sir William Dolben), who had of late been exceedingly happy in passing panegyrics on the noble lord, but unfortunately for him they all went di-

rectly contrary to what he intended; for the noble lord's fort was not for war, and, from his declaring against the Americans, he had shewn that he was not a man fit for peace. Certainly the honourable baronet ought to vote for the question, that he might place his noble friend in a situation where he could shine most; seeing that for the offices he had held, he was the most unfortunate man alive. The noble lord had declared that he wished for peace, that he did not want to stay in office, yet he had not sense enough, for near twenty years, to keep himself above one year out of office; nor had he, although a lover of peace, for eight years out of twelve, been able to keep from war. An honourable gentleman (Mr. Adam) had asserted, that the only reason why this country could make no alliances was, the fault of Opposition; they and their fathers had carried the nation in the last war to such a high pitch of glory, that they had rendered her the envy of all the world; and that the neighbouring states of Europe had become so jealous of her, that none of them would enter into an alliance with her. If the fact were so, Mr. Fox said, it was assigning an odd reason for our having no allies. He should have imagined, that a nation, being in possession of great and superior power, was the best inducement to other states to seek an alliance with her. But if it was our greatness that prevented our ability to form alliances at the conclusion of the last war, and that disability arose from the glorious successes of their fathers, and those great sea and land officers, then sitting on his side the House, he would do the honourable gentleman and his party the justice to say, they had completely undone all that work, and reduced the nation to a state in which other courts need no longer be jealous of her superior power, and therefore need not make that a plea for refusing to enter into an alliance with Great Britain.—Mr. Fox entered very much at large into what Lord North had said, with regard to the conduct of the war, and the delusions that had been held out repeatedly by ministers to parliament. He declared, he till that day thought the noble lord had always acted a generous part with his colleagues, by standing up and desiring to share with them in their guilt, if guilt there was. That day, however, the noble lord, talking of the numerous friends in America, of which they had heard so much, had said, "it fell not within his department to receive information of their numerous friends in America; that declaration had been made by another minister." Mr. Fox reasoned upon this, and asserted, that the noble lord had himself deluded and deceived parliament in a variety of instances. The noble lord had declared, that the present motion was by far fairer than the former one: he believed him, and the noble

lord had not made use of that subterfuge, which the secretary at war did on Friday last, by moving a previous question upon it; but the noble lord had explained why that subterfuge was made use of; it was because the former motions contained three truisms, which even the noble lord allowed: and declared, that after having voted for the three, the House must inevitably vote the fourth. Whether they would or not, he allowed the noble lord was right, and certainly the House was bound to vote the fourth; but here the fourth proposition was altered from "want of foresight and ability," to want of confidence: surely now no person could be against the motion, let him be professional or not; and however the noble lord's friends might be against letting him quit his post, or however averse he might be himself to it, he must, if not that night, very shortly quit it; if not by a voluntary resignation, by one less honourable; and this was not the work of mere faction, for he had seen the most respectable country gentlemen, both Whig and Tory, unite in one common cause for the public good. His honourable friend who moved the question, and his other honourable friend who seconded it, were gentlemen that calumny could not reach; they were not men supposed either to want, or that would accept of places; they acted from quite different principles. At present there was no government; it was a kind of *interregnum*, and for the truth of that he applied to the noble lord. The offices of government had been for some weeks past in most shameful disorder. Surely, then, it was high time for some ministry to be established, for a bad government was better than none; and whilst we were in the dreadful situation mentioned, he desired gentlemen would recollect the bill that was depending in that House, (the navy mutiny bill,) which contained such dangerous clauses, that he was fearful to speak out; but the House perfectly understood him, and he sincerely wished the bill might not be attended with the evil he foresaw it would.

The House divided:

	Tellers.			*Tellers.*	
YEAS	Lord Maitland Mr. Byng	227.	NOES	Mr. W. Adam Mr. J. Robinson	236.

Majority in favour of ministers 9. When the minority were in the lobby, Mr. Fox said, that upon consulting with the gentlemen near him, it was thought right, that a motion, to the same effect, should be proposed on the Wednesday following.

CHANGE OF MINISTRY.

March 20.

THE House being again uncommonly crowded, the Earl of Surrey got up to make the promised motion; but Lord North rising at the same time, for the purpose of communicating to the House some information, which, he said, might make any farther proceeding in the intended business unnecessary, and would require an adjournment, great disorder and confusion ensued, the members in opposition calling out violently for "Lord Surrey," and "No adjournment." As soon as the House was reduced to order, Mr. Fox moved, "that the Earl of Surrey be now heard;" when Lord North, having now obtained a right to speak to the question, observed, that had he been suffered to proceed before, he believed much unnecessary heat and disorder would have been prevented. He meant no disrespect to the noble earl; but as notice had been given that the object of the intended motion was the removal of his majesty's ministers, he meant to have acquainted the House, that such a motion was become unnecessary. He could assure the House, with authority, that *the present administration was no more*, and that his majesty had come to a full determination of changing his ministers; and it was for the purpose of giving the necessary time for new arrangements that he meant to have moved for an adjournment. The noble lord then took his leave of the House as minister, by thanking them for the honourable support they had given him during so long a course of years, and in so many trying situations. He expressed his grateful sense of their great partiality towards him on all, and their forbearance on many occasions. A successor of greater abilities, of better judgment, and more qualified for his situation, he said, was easy to be found; a successor more zealously attached to the interests of his country, more anxious to promote them, more loyal to his sovereign, and more desirous of preserving the constitution whole and entire, he might be allowed to say, could not so easily be found. He concluded his speech, after declaring that he did not mean to shrink from trial, that he should always be prepared to meet it, that he even demanded it from his adversaries, with moving the question of adjournment.

Mr. Fox said, that it did not seem to be a matter of great importance, whether the motion of his noble friend, the Earl of Surrey, was put, or whether they trusted to the solemn declaration made by the noble lord. He should have wished, perhaps, that the motion might be put and carried, because it would then manifestly appear to the nation at large, that the ministers of the crown did not retire either from the caprice of this or that minister, or from their wishing to go out, or from their being tired of their situations, or from any of

the common reasons which ordinarily occasioned the resignation of ministers, but because it was the sense of parliament, that they should retire, because that House had expressly called upon the crown for their dismission, and because the good of the country made it absolutely necessary. These were the reasons which impelled him to wish the motion to be put and carried. On the other hand, they had the less weight with him, because it was, he trusted, already sufficiently known, that the sense of parliament was against them; and although the motions of Friday last and the Friday before had not actually been carried, yet he considered that motions debated in such full houses, and where the minister had so small a majority as nine or ten, were in effect carried, and in all reasonable construction, as much carried, as if there had not been such a majority against them. The great end, therefore, of carrying the motion of his noble friend, was already, in his mind, and he believed, in the consideration of the whole country, effectually answered. For which reason, he begged, that let who would be the persons called on by their sovereign to form the new administration, they might ever hold it in their minds, that his majesty's late ministers were dismissed, because parliament disapproved of the system of their government, and that it was evident from parliament having gone so far to effect a removal of ministers, that it would be expected their successors should act upon different principles, and in a manner totally opposite. He declared, it had given him great pleasure, the preceding evening, to hear an honourable member say in a thin House, that he hoped, if his majesty's ministers were removed, those who should be appointed in their room would no longer govern by influence and corruption, and that if persons who had been in opposition came in, they would religiously adhere to their opposition principles, and not let it be a mere change of hands, without a change of measures. He enlarged a good deal on this idea, and in a warm manner declared, that he should ever hold those men infamous, be they who they might, who altered their principles on obtaining power; and that as the House had solemnly determined by their late conduct, that they rejected and abhorred a government of influence, the new ministers must always remember that fact, and remember also, that they owed their situations to that House. Mr. Fox concluded with advising his noble friend, not to make his intended motion that day, but to reserve it for Monday, in case the noble lord's declaration should fall short of its expected completion. He also agreed to withdraw his own motion.

The House, on the motion of Lord North, then adjourned to the 23d.*

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* During the adjournment, the new administration was formed under the auspices of the Marquis of Rockingham. The new cabinet was thus composed:

First Lord of the Treasury — Marquis of Rockingham.
Principal Secretaries of State. (The third Secretaryship abolished) — Earl of Shelburne, Hon. Charles James Fox.
Chancellor of the Exchequer — Lord John Cavendish.
First Lord of the Admiralty — Admiral Keppel (created a Viscount).
Lord Privy Seal — Duke of Grafton.
President of the Council — Lord Camden.
Master-General of the Ordnance — Duke of Richmond.
To continue Chancellor — Lord Thurlow.
Commander in Chief of the Forces — General Conway.
Chancellor of the Duchy of Lancaster, and created Baron Ashburton — John Dunning, Esq.

Besides the above, which composed the Cabinet, the following arrangements took place:

Lord Chamberlain — Duke of Manchester.
Vice-Chamberlain — Viscount Chewton.
Groom of the Stole — Viscount Weymouth.
Master of the Buck Hounds — Earl of Jersey.
Lord Steward of the Household — Earl of Carlisle.
Lord of the Bedchamber — Lord Rivers.
Treasurer of the Household — Earl of Effingham.
Comptroller of ditto — Earl of Ludlow.
Captain of the Band of Gentlemen Pensioners — Lord de Ferrars.
Lords of the Treasury — Lord Viscount Althorpe, James Grenville, Esq., Frederick Montagu, Esq.
Lord Commissioners of the Admiralty — Sir Robert Harland, Bart., Hugh Pigot, Esq., Lord Duncannon, Hon. John Townshend, C. Brett, Esq., R. Hopkins, Esq.
Under Secretaries of State — Richard Brindsley Sheridan, Esq., Thomas Orde, Esq.
Attorney-General — Lloyd Kenyon, Esq.
Solicitor-General — John Lee, Esq.
Secretary at War — Hon. Thomas Townshend.
Treasurer of the Navy — Right Hon. Isaac Barré.
Paymaster-General of the Forces — Edmund Burke, Esq.
Joint Postmaster-General — Earl of Tankerville, Right Hon. H. F. Cavteret.
Vice-Admiral of Scotland — Lord William Gordon.
Lieutenant General of the Ordnance — Sir William Howe.
Surveyor General of ditto. — Hon. Thomas Pelham.
To command the grand fleet — Lord Howe (created a Viscount).
Created Lord Grantley — Sir Fletcher Norton.
Lord Lieutenant of Ireland — Duke of Portland.
Joint Vice-Treasurers of Ireland — Earl of Scarborough, Sir George Yonge, Bart.
Secretary to the Lord Lieutenant — Colonel Fitzpatrick.
Commander in Chief of the Forces in Ireland — Lieut.-General Burgoyne.

AFFAIRS OF IRELAND.

April 8.

ON the first day of the meeting of parliament, after the Easter recess, as soon as the re-elected members were sworn in, the affairs of Ireland were unexpectedly brought before the House. Colonel Luttrell introduced the business, by stating the prevailing discontents in that country, and the desire of ministers to remove them, and requiring from Mr. Eden, who had filled the situation of secretary to the Earl of Carlisle, the late lord lieutenant, an explanation of the affairs of that kingdom. Mr. Eden readily entered on the task, describing the conduct of government and opposition for the two last years, and descanting on the valour, loyalty, and popularity of the volunteers, whose desires and sentiments were the desires and sentiments of all Ireland. The declaration of rights, so unanimously and ardently cherished, could no longer be opposed with success: the attempt would be as vain as to make the river Thames flow up Highgate-hill. He did not believe the Irish would abuse the advantages they might obtain, and they would be restrained from adopting measures injurious to England, since the king, with the advice of a responsible cabinet, must sanction all their acts. Besides the declaration of rights, the volunteers, or, in another word, Ireland, had called for a habeas corpus, and obtained it; a bill for making commissions of judges *quamdiu bene se gesserint*, demanded by them, was in its progress through parliament; the required alteration of the mutiny act might easily be granted, and a modification of Poyning's law, which would satisfy the people, could not be dangerous to England. He then moved for leave to bring in a bill, "repealing so much of the act of the 6th of George I. as asserted a right in the king and parliament of Great Britain to make laws binding the kingdom and people of Ireland." He did not wish to be precipitate; but the recess of the Irish parliament would terminate in eight days, and Mr. Grattan would then renew and carry his motion for a declaration of rights. It would surely, then, be adviseable to anticipate the wishes of the people, to afford them a pledge of the sincerity of England, a security for the permanency of the constitution, and of that trade they were so anxious to preserve.

Mr. Secretary Fox rose. He declared he felt it necessary to say something, though he would not make all the observations on what had fallen from the right honourable gentleman on the floor, (Mr. Eden) which had suggested themselves to his mind, because he must in that case greatly fatigue the House, and because he was persuaded every gentleman present felt as he did, on the very extraordinary proceedings of the day. The House would recollect, that an honourable gentleman behind him, had given rise to the

debate, by getting up to remind them of what he had said relative to Ireland, previous to the recess, and that the same honourable gentleman had called on the right honourable member on the floor to give the House some information respecting the state of affairs in Ireland. Upon which that right honourable gentleman, without any previous consultation with his majesty's ministers, without saying a syllable to any one member of administration upon the subject, had thought proper to move for the repeal of the 6th of George I. thereby abandoning at once the supremacy of this country over Ireland, and disuniting that kingdom from this at a single stroke. The right honourable gentleman's motion was in substance and effect nothing less than a declaration of unconditional submission on the part of Great Britain, and a direct relinquishment of her dearest and most valuable rights.

For himself, Mr. Fox said, he was so new in office, he had no right to claim any respect whatever; but for those of his majesty's ministers, with whom he was joined, he was warranted to say, it would have been decent, it would have been respectful to have consulted them previous to the taking any step in parliament, on a topic of so much importance. Had the right honourable gentleman done so, he would have learnt, that short as the time was, that his majesty's present ministers had been in their situations, they had turned their most serious attention to the alarming state of Ireland, and that it was not from any indisposition to do Ireland justice, that they had not on that first day of their setting their feet in that House as ministers, proposed some measures, which should in their consideration be wise and expedient, and likely to conciliate the affections of the people of Ireland, and put an end to the uneasinesses, jealousies, and tumults that it was well known had subsisted, and continued to subsist in that much-injured country. It was not from any want of inclination to do Ireland right, that they had not yet taken such a step, but merely from a disdain to follow the example of the worst sort of conduct of their predecessors in office, who were always catching at expedients of the moment, and were rather willing to patch up a present difficulty, at any rate, than to meet it fairly, to fathom its depth, and to consider what was likely to be a solid and permanent means of remedying a real evil, and preventing its arising in future. It was with a view to settle the constitution of the two countries in such a manner as should be perfectly satisfactory to England and Ireland, and should promise to give a lasting harmony to both, that his majesty's ministers paused upon the subject; not from any indisposition towards Ireland, not from any

idea that her claims were either unjust or unreasonable, not from the most distant intention of letting them remain unsatisfied. Had the right honourable gentleman thought proper to consult his majesty's ministers upon the subject, he would have learnt, that the matter had been, and was under their consideration, and that not many days, or rather not many hours would have been suffered to pass, before some proposition would have been offered to that House in order to conciliate the affections of the Irish, of whose loyalty and of whose admiration and regard for this country there could be no doubt.

One thing, however, he had learnt from the very extraordinary speech of the right honourable gentleman, and that was, the motive of his post-haste journey to England. It was now evident, that the right honourable gentleman had come over so suddenly for the sole purpose of surrendering the supremacy of this country over Ireland. New as the doctrine of disuniting was in the mouths of the late ministers and their friends, and ill-advised as it might be in the present instance, he wished they had adopted it earlier, and that the unity of the British empire had not been so obstinately insisted on. Had the opportunity that offered for gratifying the reasonable requests of Ireland some years ago been seized, had her petitions been complied with when she came to the bar of the House submissive and obedient, standing, as all who ask a favour do usually stand, on the justice of their claim, rather than on their power, this country would have acted a wise part, and might have graciously granted those boons which had since been, as it were, torn from her in a manner exceedingly disgraceful to Great Britain. But in perfect consistency to the custom of the late ministry, (by whom every thing that was asked, however reasonable, however right, was contemptuously denied as long as they dared venture to deny, and then when the moment of danger arrived, though what was barely moderate was refused before, more than was compatible with the honour of the country, was shamefully and meanly given up,) the right honourable gentleman, who, during his ministry in Ireland, had uniformly opposed all the claims made by different gentlemen on different grounds, and, as far as he had considered them, on good grounds in the Irish parliament, was the first to post over to England, and propose a measure of the most alarming extent that could possibly be conceived.

While he said this, he begged not to be understood as giving any opinion whether the measure was, or was not, a proper one in itself. He was passing no opinion upon it whatever. He was merely describing the very extraordinary

manner in which it was brought forward, and the nature of it. For his part, he was most fully persuaded, that Ireland had a just right to expect ample redress from this country for the oppressive treatment she had long groaned under, and he would answer for the rest of his majesty's ministers, that they were of the same opinion; but they must be strange counsellors of the crown, who would venture to advise his majesty of a sudden to come into so extensive a proposition as that then before the House. The subject was nice, and it required the deepest consideration. He was not ripe to pronounce upon the motion, but he was far from saying that something like it might not be proper; all he wished was, not to be urged to pass a hasty judgment on so important a business.

The right honourable gentleman had talked of his administration having been a fortunate one; it appeared to him to be the oddest result of a fortunate administration that could be conceived, for the minister of Ireland to feel himself bound to post over to England, to propose such a motion as that under discussion. God defend him from the good fortune of producing such a consequence by his administration! But that was not the only surprising, the only paradoxical part of the right honourable gentleman's speech; he had talked of the volunteers of Ireland in a way equally unaccountable. He had said, they took up arms in the summer of 1780 for their amusement. Oh, most wonderful amusement, most strange turn of diversion! It was to that amusement, and to that diversion, that the right honourable gentleman was impelled to post over to England, in order to make his motion. It was to the power of the volunteers of Ireland, and not to the justice of their claims, that the right honourable gentleman now felt it necessary to propose a matter directly contrary to the whole system of his conduct during his administration. The right honourable gentleman had said, there was no other opposition to his administration, but such as every government must wish for, and such as just served to keep them awake. Did the House know, what the sort of opposition really was, and of whom it was constituted? Had the House heard the names of Lord Charlemont, of Mr. Yelverton, of Mr. Grattan, of Mr. Burgh, of Mr. Flood, and of many others, which he would not then mention? Names of the greatest, the ablest, and the honestest men in Ireland! The Lord defend him from such opposers! The Lord keep him from having his measures objected to by persons of such wisdom, such ability, and such weight!

The whole of the right honourable gentleman's conduct, as the minister of Ireland, was as extraordinary as his speech

that day. He had been sent over here for the express purpose of bringing the Earl of Carlisle's resignation, and of giving his majesty's ministers full, fair, and candid information of the state of facts in Ireland; and how had the right honourable gentleman complied with his instructions? He had come to town, and finding the ministry changed, had sent a letter to a noble lord, (a colleague of his,) declaring that he would give them no information whatever respecting Ireland, and menacing them with a threat that he would, as that day, come down to the House, and speak upon the subject of Ireland. He owned, for his part, that he had no great dread of that menace, though he was at a loss to guess what the right honourable gentleman meant to say. The candour of the House was what he had so often experienced, that he was not much terrified at the right honourable gentleman's threat. The House now knew what its nature was, and he was perfectly at their disposal.

With regard to the alarming state of Ireland, he did not at all doubt but it was pretty correctly described by the right honourable gentleman; but then it ought to be remembered to what it was ascribeable. He declared he felt it right to take that opportunity of saying, that though he thought but very indifferently of the state of the country a fortnight ago, his opinion then was nothing compared to his knowledge upon the same subject at that moment. His suspicions of the negligence and scandalous mismanagements of his majesty's late ministers were now matured into ripe judgments, and he was sorry to have found that things were infinitely worse than he had imagined them to be, and that bad as they had been described, the description given to that House by himself and others from time to time fell infinitely short of the real situation of affairs — which situation was in his mind so clearly ascribeable to the neglects of the late ministers, that he should not think the present administration acted fairly and honestly by that House and the people, if they did not institute enquiries, and such enquiries as should give the country a correct state of the condition, in which public matters stood.

With regard to the present motion, he trusted that he should not be misrepresented in consequence of what he had said upon it, and held out to Ireland as a person indisposed to grant her relief, or unwilling to admit the truth and justness of her claims. On the contrary, he thought Ireland had strong grounds of complaint, and that her claims ought to be complied with as far as they possibly could. He repeated it therefore, that he and the rest of his majesty's ministers were most cordially and sincerely inclined to do

Ireland ample justice, and that it had been one of the first objects of their consideration upon coming into office. That in a few hours some propositions would be offered to the House with respect to Ireland, and that he did not object to the present motion from any conviction that it was an improper one, but merely because he was not quite ripe to say, that it was the best motion that could be brought forward on the subject. He should therefore not meet it with a negative, but with a previous question, or, he believed, it would be a more regular mode of getting rid of it for the present, by moving the order of the day upon it. He wished for this to give time to the king's servants to determine with precision on the plan to be offered to both countries; and he had the utmost reason to hope and believe, that the matter would be finally settled without any of those consequences which the conduct of the right honourable gentleman in this business had been calculated to produce. He wished, he confessed, that the right honourable gentleman would withdraw his motion, as the best means; and by which an honourable friend of his, Mr. Crewe, would be able to move for leave to bring in a bill, which he had introduced some years ago, for disqualifying excise and custom-house officers from voting at elections. This was a part of the plan which had been formed when they were out of office, for reforming the constitution of parliament, and which they seriously meant to undertake now with the same zeal and attention as before. Not a day would be lost until the task of reducing the improper influence of the crown, and settling the representation of the people upon more equal grounds, was fulfilled. The right honourable gentleman had said, that his opposition to the various motions that had been made in the Irish House of Commons, had been supported by great majorities. He said, that he wished these majorities had been less. It was the greatness of those majorities and the manner in which they were constituted, that had given offence and jealousy to the people of Ireland. They, no doubt, desired to see a free representation, declaring honestly their voice in the senate. To correct the abuses in influence and representation, would be the steady endeavours of his majesty's ministers. He concluded with moving for the order of the day; this he would not have done upon any other account than that the motion was of such a sort, and came at such a time; but he hoped that the right honourable gentleman would yet withdraw it.

Mr. Fox produced the letter sent by Mr. Eden to Lord Shelburne, and said, though it was undoubtedly of a public nature, yet so unwilling was he to do any thing of an indeli-

cate, or an unhandsome sort, that he would not read it to the House, unless the right honourable gentleman gave him his consent. Mr. Eden having said, he had no objection to the letter being read, Mr. Fox read the letter *, and remarked

* The following is a copy thereof:—

Downing-Street, April 5, 1782.

"My Lord,

"Having re-considered the conference with which your lordship yesterday indulged me, I think that I ought specifically to state my reasons for having often declined your intimations to me to enter into opinions and facts respecting the present circumstances of Ireland, and the measures best to be pursued there. When I arrived in London, I came prepared and disposed, and instructed to serve, most cordially, in the critical measure of closing the Lord Lieutenant's government, so as to place it with all practicable advantages in the hands of whatever person his majesty's ministers might have destined to succeed to it.

"I pre-supposed, however, that either his excellency would be recalled very soon, but not without the attentions which are due to him, his station, and his services; or that his majesty's ministers would assist and instruct him in first concluding the business of the session, and the various public measures and arrangements of some difficulty and consequence, which are immediately connected with it, and which cannot be compleated in less than four or five months.

"Finding, however, to my extreme surprize, that the manner of giving the lieutenancy of the East Riding to Lord Carmarthen, had been such as to amount to a marked and personal insult, when it is considered that the thing taken is merely honourary, and that the person from whom it is taken is an absent viceroy; and hearing also from your lordship, that the Duke of Portland is not unlikely to be made the immediate and actual messenger of his own appointment, I from that moment declined any communication respecting facts and measures; because this line adopted towards the present lord lieutenant, must in my opinion be fatal to the ease of his successors for a long period of time, and ruinous to all good government, and the consequent peace of Ireland.

"Your lordship has informed me, that this is not meant as a personal exertion of power against Lord Carlisle, but that his majesty's ministers have adopted this mode of removing the Lord Lieutenant, as a wise measure of government. I differ so totally in my judgment, that it would be idle in me to trouble them further respecting Ireland.

"I shall, as the duty of my situation requires, wait on such of his majesty's ministers as are disposed to see me, and with that respect which is due to them, shall submit what I have here stated.

"My next anxiety is to act as I believe Lord Carlisle would wish me to act, for his honour and the public service,—two objects which cannot at this moment be separated. I am ready this evening, or to-morrow morning, at any hour, to attend the commands of his majesty's ministers, either separately or collectively. To-morrow at two, I shall go into the country, to make a visit of personal respect and private friendship; and on Monday, in the House of Commons, I shall state, as fully as a weak voice will permit, what I conceive to be the present circumstances of Ireland: I shall do this without any mixture of complaint, and with the most anxious regard to facilitate any subsequent system for the public tranquillity; I shall only wish to let it be implied by the world, from Irish facts, in contradiction to English treatment, that the present Lord Lieutenant of Ireland, (I borrow his own words from his last letter to your lordship,) "has

upon it in the course of his recitation of the different passages, deducing an argument from the whole, that it amounted to an express declaration, that the sender of it, on account of the Earl of Carlisle being removed suddenly from his lieutenancy of Yorkshire, and from his viceroyalty, would not communicate with his majesty's ministers upon the subject of facts in Ireland, though the right honourable gentleman's instructions were to give ministers a fair and full account of affairs there. With regard to the recalling the Earl of Carlisle, Mr. Fox said, it was very extraordinary for the right honourable gentleman to declare himself piqued because he supposed the Earl of Carlisle treated unhandsomely in being recalled, although he had himself brought over the Earl's resignation, and that couched in the most unconditional terms, without the least hint of a desire to continue in Ireland any longer. He protested, he had a great degree of personal regard for the Earl of Carlisle. He knew him, and respected his abilities, and by no means meant him any personal disrespect or indignity. He reminded the right honourable gentleman of the harsh manner in which Lord Carmarthen had been removed from his lieutenancy, and what he had, among others, said in parliament on that subject. In consistency to what he had then said, the noble lord was restored to his lieutenancy. In regard to Ireland, the Duke of Portland, who was going over there, would, he had no doubt, from his abilities and excellent character in private life, obtain the confidence of Ireland; and he thought that country, hearing of the change of ministers, would have confidence enough in his majesty's new servants to believe them inclined to do Ireland every possible justice. Had his majesty's present ministers ever been advocates for nominal dignity, had they held out principles of coercion, had they either in regard to America, or to any other part of what was formerly the British dominions, avowed principles that savoured of severity or despotism, he should not at all wonder at their intentions being doubted; but as, on the contrary, they had uniformly avowed and acted upon doctrines of a directly opposite tendency, he thought them entitled to some degree of credit and confidence, and the more especially as he had so repeatedly and so expressly reprobated that sort of government, which rested upon deceiving the people in any instance what-

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had the good fortune to conduct the business of Ireland, at a most critical period, without discredit to his majesty's government, and with many increasing advantages to the interests of his kingdoms."

"I have the honour to be, &c.

"WM. EDEN."

ever. He held all attempts to deceive and delude a country to be not more base in themselves, than weak, absurd, and impolitic, and so far was he from thinking that Great Britain had a right to govern Ireland, if she did not chuse to be governed by us, that he maintained no country that ever had existed or did exist, had a right to hold the sovereignty of another, against the will and consent of that other.

The motion was withdrawn with the leave of the House.

April 9.

Mr. Secretary Fox presented the following message to the Commons from the king;

"GEORGE R.

"His majesty being concerned to find that discontents and jealousies are prevailing among his loyal subjects in Ireland, upon matters of great weight and importance, earnestly recommends to this House, to take the same into their most serious consideration, in order to such a final adjustment as may give a mutual satisfaction to both kingdoms."

The message being read by the Speaker:

Mr. Secretary Fox rose and said, he hoped gentlemen would see, that as little time as possible had been lost by his majesty's ministers, in paying a due attention to the affairs of Ireland, in order to quiet those discontents and jealousies that had prevailed there unfortunately for some time past, but of late to a very alarming degree; at the same time, he hoped, he might presume upon so much credit with the House, as to expect to be relied on, when he assured gentlemen, that the paper that had been then read, was not procured in consequence of what had passed in that House the preceding day. Why that message was not brought down yesterday, was rather owing to accident than to any other cause; the discontents and jealousies that had subsisted in Ireland having been one of the first objects of attention with his majesty's present servants. He added, that it was not his purpose to do more for the present, than to move, what undoubtedly it was the duty of the House to vote, namely, an address to his majesty, humbly thanking him for his most gracious message, and assuring him, that the House would, at an early day, proceed to take such steps in the business, as should seem most likely to answer his majesty's request effectually. Mr. Fox said, the reason why he meant to proceed no farther just at that moment, was, because it was the wish of his majesty's servants not to follow the example of their predecessors in office, and by applying a temporary remedy to a temporary evil,

just put off the inconvenience of the day, but they were resolved to take care to act in such a manner as should promise a permanent peace to both countries, and give a stability, as it were, to the restoration of harmony, good humour and friendship, between Great Britain and Ireland. The most likely means to quiet the discontents and jealousies that subsisted at present between the two countries, was, to do it in such a manner as should settle the constitution of both, and draw the line between them clearly and cordially, in order to ascertain the nature of their connexions in future. It was, he observed, impossible to do this with the little information then before the House upon the subject; it was first necessary for them to come at a precise knowledge of what were the wishes and what the expectations of Ireland; and as there were those going there whose duty it would be to investigate those wishes and expectations, and who would doubtless have none of those reasons for withholding the information they might acquire upon the subject, which some others had declared themselves to be actuated by; as soon as facts were in the possession of ministers, they would communicate them to that House, and both together might then go hand in hand and in certainty upon the business, and do it effectually and satisfactorily to both countries. As a new lord lieutenant was just setting off for Ireland, Mr. Fox declared, he thought it indispensably necessary to take that step previous to his setting off, in order that on his arrival in Dublin, the people of Ireland might entertain no doubt of the sincerity of the intentions of the new ministers, nor of the inclination of the crown and the British parliament respecting them. Seeing that the intentions of that House were founded in reality and seriousness, he had no doubt but they would allow the delay, (not a long one certainly) that would necessarily be occasioned by the adjustment of a business, from which he flattered himself would result very beneficial consequences to the commerce, and prosperity, the ease and the happiness of both countries. He then moved, "That an humble address be presented to his majesty, to return his majesty the thanks of this House, for his most gracious message; and to assure his majesty, that this House, feeling with his majesty the deepest concern that discontents and jealousies should have arisen among his majesty's loyal subjects in Ireland, will, without delay, take the same into their most serious consideration, in order to such a final adjustment as may give mutual satisfaction to both kingdoms."

The motion was agreed to *nem. com.*

May 17.

It being the declared intention of administration to proceed in this arduous business in concert with the parliament of Ireland, a message, conceived in the same terms with those presented to the English Houses, was sent by the Duke of Portland, the new lord lieutenant, to the Commons of that kingdom, immediately after his arrival, to take upon him the government. The address to the king, in consequence of this message, was moved by Mr. Grattan, the great and eloquent leader of the popular party. This address, after a full and explicit assertion of the independent rights of the kingdom of Ireland, proceeded to state the causes of those jealousies and discontents which had arisen in that country; namely, the act of the 6th of George the First; the power of suppressing or altering bills in the privy council; and the perpetual mutiny bill. It concluded with expressing their most sanguine expectations from his majesty's virtuous choice of a chief governor, and their great confidence in the wise auspices and constitutional counsels which they had the satisfaction to see his majesty had adopted. On the ground of this address, the House of Commons this day went into a committee of the whole House, to take into consideration the king's speech of the 9th of April, relative to the state of Ireland; to which committee the addresses of the parliament of Ireland being referred,

Mr. Secretary Fox rose. He said, that in discussing a subject of such magnitude as that which he was about to submit to the consideration of the committee, it was his intention to speak as plainly, as roundly, and as intelligibly as he possibly could: at the same time he was aware, that, on such a subject, he must speak with some degree of diffidence and caution; because he was afraid that, on one hand, he might be thought to grant too much to Ireland; while, on the other, some might think that he did not grant enough: at all events, he would speak his sentiments with freedom; desiring, however, that what should fall from him might be considered principally as coming from him in the capacity of an English member of parliament, rather than as a minister.

Having premised this, he entered upon the subject. The committee, he observed, must know from the address that had been just read, that the parliament of Ireland had spoken out; and stated in clear terms, what it was that they required. The great points to which the claims of the Irish parliament were directed, appeared to be the repeal of the 6th of George the First; the restoration of the appellant jurisdiction; the modification of Poyning's law; and the repeal of the perpetuating clause in the mutiny bill. On each of these points, he intended to offer a few observations to the committee.

And first, with regard to the act of the 6th of George the First, it had always been his opinion out of office, that it was downright tyranny to make laws for the internal government of a people, who were not represented among those by whom such laws were made. This was an opinion so founded in justice, in reason, and in equity, that in no situation had he, or would he ever depart from it: it was true, nevertheless, that he was not an enemy to the declaratory act, which had been passed relative to America; yet his principles were not inconsistent nor incompatible with that act. He had always made a distinction between internal and external legislation; and though it would be tyranny to attempt to enforce the former, in countries not represented in the British parliament, yet he was clear that the latter was, in reason and in policy, annexed to the British legislature; this right of prerogative or supremacy, he was convinced, would never have given umbrage to any part of the British empire, if it had been used solely for the general good of the empire; but when it was made an instrument of tyranny and oppression, it was not to be thought wonderful, that it should excite discontents, murmurings, and opposition. When local legislatures were established in different parts of the empire, it was clear that it was for this purpose, that they might answer all municipal ends; and the great superintending power of the state ought not to be called into action, but in aid of the local legislature, and for the good of the empire at large; but when ministers, judging by what they had, of what they might have, carried the principle of external to internal legislation, and attempted to bind the internal government of its colonies by acts, in the passing of which the colonies had no voice, that power, which, on proper occasions, would have been cheerfully obeyed, created animosity and hatred, and had produced the dismemberment of an empire, which, if properly exerted, it would have served to unite and bind in the firmest manner.

Ireland had the same reason to spurn at this power of external legislation, because it had been hitherto employed for the purpose only of oppressing and distressing her. Had Ireland never been made to feel this power as a curse, she never would have complained of it; and the best and most effectual way to have kept it alive, would have been, not to have made use of it. Ireland would then have suffered this harmless power to exist in the statute book; she never would have called out for a renunciation of it. But, fatally for this country, this power of external legislation had been employed against Ireland as an instrument of oppression, to establish an impolitic monopoly in trade; to enrich one country at the

expence of the other. When the Irish first complained of this monopoly about four years ago, and asked as favours what they might have claimed as a right, they were opposed in that House; and their demands, which were no less modest than just, were disregarded. It was not local or commercial jealousy, so common in all countries, that had operated to the disappointment of the Irish at that time; their demands had been rejected, when the then first confidential servant of the crown in that House came down to vote against them; the influence of the minister was exerted, perhaps for the purpose of preserving a few votes on other occasions; and the rights and distresses of Ireland were consigned to oblivion. Thus the supreme power of the British parliament was employed to gratify a few, and to distress a whole kingdom. What was the consequence? The Irish finding that they had nothing to expect in the British House of Commons from the justice of their demands, found resources in themselves; they armed; their parliament spoke out; and the very next year, the same minister who before had put a negative on all their expectations, came down to the House, and making the *amende honorable* for his past conduct, gave to the demands of an armed people, infinitely more than he had refused to the modest applications of an unarmed humble nation. Such had been the conduct of the then minister and his colleagues; and this was the lesson that the Irish had been taught: "If you want any thing, seek not for it unarmed and humbly; but take up arms, speak manfully and boldly to the British ministry, and you will obtain more than you at first might have ventured to expect." This was the happy consequence of the ill use made of the superintending power of the British parliament, which was perverted from its true use, and instead of being the means of rendering the different parts of the empire happy and connected, had made millions of subjects rise up against a power, which they felt only as a scourge. If, therefore, he should be obliged to move any proposition that might appear humiliating on the part of Great Britain, or hurtful to the pride of Englishmen, the fault was not his; it was the fault of those who had left it in the power of the volunteers to make the demands contained in the addresses on the table; who had left it in their power, not by leaving arms in their hands, but leaving them their injuries and oppressions.

It was his intention not to pursue the footsteps of his predecessors; and therefore he would agree to the demands of the Irish, relative to the repeal of the 6th of George I., not because he was intimidated, and afraid to oppose those demands; but because he believed them to be founded in

justice; and he would have been as ready to grant them if Ireland made them now, in the same unarmed and modest manner, in which she preferred her complaints four years ago. A man must be a shallow politician indeed, who could not find means of distressing Ireland, and making her feel the weight of calamity; it might be distressing to Ireland, if his majesty's servants should advise the king not to give his assent to the bill for quieting the possession of those who hold estates in Ireland, under English laws; the resources of this country were amply sufficient for the purposes of devastation; the deserted towns and villages, the ruined provinces of America, would bear testimony to the power of the British arms to depopulate countries, and deluge them with blood; but he must be a shallow politician who would resort to such means to enforce obedience to laws, which were odious to those whom they were made to bind. For his part, he had rather see Ireland totally separated from the crown of England, than kept in obedience only by force. Unwilling subjects were little better than enemies; it would be better not to have subjects at all, than to have such as would be continually on the watch, to seize the opportunity of making themselves free. If this country should attempt to coerce Ireland, and succeed in the attempt, the consequence would be, that, at the breaking out of every war with any foreign power, the first step must be to send troops over to secure Ireland, instead of calling upon her to give a willing support to the common cause.

Having said thus much with regard to the repeal of the 6th of George I., which he intended to agree to in the most unequivocal manner, he touched next upon the appellant jurisdiction. Upon this question he thought there was no manner of difficulty whatever; for when the great question of legislation was given up, he did not see that it was of any consequence still to maintain to this country the jurisdiction in appeals: but even if it was a desirable object, or likely to strengthen the tie between the two countries, it must be given up, for the Irish insisted upon it; and there was a particular reason for complying with their desires on that head. The decrees or judgments of our courts of law here in matters of appeal, were to be carried into execution—where? In Ireland. By whom? By the people of Ireland. Now, as the people of Ireland had one and all declared, that they would not execute or obey any order of any English tribunal, it would be nugatory and absurd to maintain the appellant jurisdiction to Great Britain; and consequently it would be better to give it up with a good grace, than to keep it as a bone of contention between the two countries.

He came next to the modification of the law of Poyning. It must be admitted, he said, that by this law, a strange alteration had been made in the form of the constitution of Ireland, by making the privy-council of that kingdom a branch of the legislature; and those who were acquainted with the nature of the interference of that privy-council, knew very well, that it was of the greatest detriment to the state; for not only it sometimes suppressed bills which had passed the House of Lords or Commons, *nemine dissentiente*; but such was the nature of it, that bills were sometimes passed according to form indeed, but in fact, *nemine assentiente*; when it was contrary to the intention of any man in the House, that such bills should pass, they were nevertheless supported by all, in confidence that in the privy-council they would be thrown out. This kind of conduct was merely to gain popularity; that men who did not wish to oppose popular opinions, which they did not approve, should nevertheless unanimously give way to those opinions, merely because they knew they would be rejected in the privy-council. For his own part, he was free to confess that the interference of that body, and their power to stop bills in their progress from parliament to the king, appeared to him improper; and therefore he could have no objection to advise his majesty to consent to the modification that they required, of that law, from which the privy-council derived that power. But the jealousies of the Irish went farther; they were jealous of the interference of the English privy-council; and he admitted that the alterations which had sometimes been made by it in Irish bills, had given but too just cause for jealousy. It was generally understood in Ireland, that Irish bills were frequently altered in England with very little consideration, and sometimes by a single person, the attorney-general; which single person the Irish imagined made alterations, without giving that attention to the bills which the importance of the subject required. He would not say that these opinions were in general well founded; but this he was convinced of, that, like the 6th of George I., this power of altering might have still remained, if an improper use had not been made of it; but to his knowledge it had been grossly abused; in one instance in particular, a bill had been sent over to England two years ago, granting, and very wisely and very justly granting, indulgences to the Roman Catholics; in that same bill there was a clause in favour of the dissenters, for repealing the sacramental test; this clause was struck out, contrary, in his opinion, to sound policy, as the alteration tended to make an improper discrimination between two descriptions of men, which did not tend to the union of the people. It was by such conduct, that the Irish

were driven to pronounce the interference of the English privy-council in altering their bills, a grievance, though in his opinion the power would never have been complained of, if it had never been abused.

He came lastly to the mutiny bill, and he freely confessed, that it was no matter of surprise, that the Irish should object to a clause which gave a perpetual establishment to a military force in their country; and so hostile did he deem such a clause to the constitution of England as well as of Ireland, that if the Irish had never mentioned this law among their grievances, he would have held it to be his duty, as an Englishman, to have recommended the repeal of it. The Irish must naturally feel that jealousy for their constitution, which the English feel for theirs, and which they express by passing a mutiny law only for one year: this perpetuating clause had this effect also, that it rendered the interference of the English privy-council still more and more odious. All that remained at present, was to shew a readiness to satisfy the Irish on this head, and remove or repeal the clause in question.

Having thus gone through the various grievances and demands of Ireland, he observed, that the committee must see that there were only one or two points, in which the interference of the British parliament was necessary; and these were the repeal of the 6th of George I. and the restoration of the appellant jurisdiction to Ireland: the other points lay between the parliament of Ireland and the king; and certainly he should, as one of the servants of the crown, advise his majesty to satisfy the other demands of his Irish subjects. Ireland had spoken out, and clearly and plainly stated what she wanted; he would be as open with her, and though he might perhaps have been better pleased, if the mode of asking had been different, still he would meet her upon her own terms, and give her every thing she wanted, in the way which she herself seemed to wish for it. She therefore could have no reason to complain; the terms acceded to by England, were proposed by herself; the manner of redress had been prescribed by herself, and all her wishes would now be gratified in the way which she herself liked best. But as it was possible, that if nothing more was to be done, than what he had stated to be his intention, Ireland might perhaps think of fresh grievances, and rise yearly in her demands, it was fit and proper that something should be now done towards establishing on a firm and solid basis the future connection of the two kingdoms. But that was not to be proposed by him here in parliament; it would be the duty of the crown to look to that; the business might be first begun by his majesty's servants in Ireland; and if afterwards it should be necessary

to enter into a treaty, commissioners might be sent from the British parliament, or from the crown, to enter upon it, and bring the negociation to a happy issue, by giving mutual satisfaction to both countries, and establishing a treaty which should be sanctified by the most solemn forms of the constitutions of both countries.

Notwithstanding this country was parting with what she had hitherto held and exercised, still he could not look upon this day as a day of humiliation to her; she was giving up what it was just she should give up; and in so doing, she was offering a sacrifice to justice; policy and justice combined to induce her to offer it; but he should be sorry that an idea should prevail, that she was giving to fear what she would deny to justice: fear, he declared, was out of the question. He said he entertained no gloomy thoughts with respect to Ireland: he had not a doubt but she would be satisfied with the manner in which England was about to comply with her demands; and that in affection, as well as in interest, they would be but one people. If any man entertained gloomy ideas, he desired him to look at the concluding paragraph of the Irish addresses, where he would find, that the Irish people and parliament were filled with the most earnest desire to support England, to have the same enemy and the same friend; in a word, to stand or fall with England. He desired gentlemen to look forward to that happy period, when Ireland should experience the blessings that attend freedom of trade and constitution; when by the richness and fertility of her soil, the industry of her manufacturers, and the increase of her population, she should become a powerful country; then might England look for powerful assistance in seamen to man her fleets, and soldiers to fight her battles. England, renouncing all right to legislate for Ireland, the latter would most cordially support the former as a friend whom she loved; if this country, on the other hand, was to assume the powers of making laws for Ireland, she must only make an enemy instead of a friend; for where there was not a community of interests, and a mutual regard for those interests, there the party whose interests were sacrificed, became an enemy. The intestine divisions of Ireland were no more; the religious prejudices of the age were forgotten, and the Roman catholics being restored to the rights of men and citizens, would become an accession of strength and wealth to the empire at large, instead of being a burthen to the land that bore them. The dissenters had tasted of the liberality of the legislature, and now in common with their Roman catholic brethren, would enjoy that happy toleration which

did not confer more happiness on those who were the objects of it than honour on those who established it.

Upon the whole, he was convinced that the Irish desired nothing more ardently than proper grounds for being most cordially united to England; and he was sure that they would be attached to this country, even to bigotry. Of the volunteers, he must speak respectfully: they had acted with temper and moderation, notwithstanding their steadiness; and he must in justice to them, and to his own principles, declare, that they had not done a single act, for which they had not his veneration and respect; and whatever blame there might be discovered in the course of the business, he did not impute a particle of it to Ireland; but laid it all at the door of the late administration. He concluded by moving, "That it is the opinion of this committee, that the Act of the 6th of George I., intituled, 'An Act for the better securing the 'dependency of the kingdom of Ireland, upon the crown of 'Great Britain,' ought to be repealed."

Mr. Thomas Pitt seconded the motion, and members of all parties concurred in applauding it. Lord Beauchamp alone expressed a doubt, that the repeal, leaving the question of right undecided, would not satisfy the English nation. Mr. Burke said, that it was not on such a day as that, when there was not a difference of opinion, that he would rise to fight the battle of Ireland; her cause was nearest his heart; and nothing gave him so much satisfaction, when he was first honoured with a seat in that House, as the idea that it might be in his power, some way or other, to be of service to the country that gave him birth; he had always said to himself, that if such an insignificant member as he was could ever be so fortunate as to render an essential service to England, and that his sovereign, or parliament, were going to reward him for it, he would say to them, "Do something for Ireland; do something for my country, and I am over rewarded." He was a friend to his country; but gentlemen need not be jealous of that; for in being the friend of Ireland, he was of course the friend of England; their interests were inseparable.

Mr. Fox, in his reply to Lord Beauchamp, said, that as it was his intention to do away completely the idea of England legislating for Ireland, so he should have no objection to word the repealing act in such manner, as to make it contain a specific renunciation of the right claimed by this country to legislate for Ireland. It was the same with respect to the appellant jurisdiction, he had not the least objection to give it up *in toto*; after having given up legislation, he could not stand out for comparatively an insignificant object; appeals were not the bond of connection between the two coun-

tries; nay, loyal and attached as the Irish were to his majesty's person and government, it was not the king that was the chief bond of union; it was a communion of affection, of regard, of brotherly love, of consanguinity, and of constitution. With regard to the bill, commonly called Mr. Yelverton's bill, as it was founded on this principle, that England cannot legislate for Ireland, a principle militating against a positive act of parliament, the privy council could not advise the king to give his assent to it; but if the House should consent to the repeal of the act, then of course the privy council might advise the passing of the bill, and then no doubt it should be sent back to Ireland.

The motion passed without a division; as did also the following: "That it is the opinion of this committee, that it is indispensable to the interests and happiness of both kingdoms, that the connection between them should be established, by mutual consent, upon a solid and permanent basis." After which, the House resolved, on the motion of Mr. Fox, "That an humble address be presented to his majesty, that he will be graciously pleased to take such measures as his majesty in his royal wisdom shall think most conducive to the establishing, by mutual consent, the connection between this kingdom and the kingdom of Ireland, upon a solid and permanent basis."

Mr. Pitt's Motion on the State of the Representation.

May 7.

Mr. WILLIAM PITT brought the subject of a reform in the constitution of parliament again before the House. The insuperable difficulties that had occurred in bringing the friends of such reformation to agree in any specific proposition, induced him on the present occasion to vary the mode of proceeding, and to move, "That a committee be appointed to enquire into the present state of the representation of the Commons of Great Britain in parliament, to report the same to the House, and likewise what steps in their opinion it may be proper for parliament to take concerning the same." The debate was long, and ably supported by the mover, Mr. Sawbridge, Sir George Savile, Mr. Secretary Fox, and others on the side of a reform.

Mr. Secretary Fox said, he rose with pleasure to speak on a topic in which the rights of the people, and the freedom of the subject, were so materially concerned. It was always

contended, he said, that the people of England were virtually represented, and it had been carried farther; some persons had formerly said, that the people of America were in fact as much represented as the people of Birmingham; though he was free to confess, that by the present House of Commons the people were virtually represented; yet a virtual representation was only a mere succedaneum for an equal representation, and gentlemen who were so strenuous for the support of the present constitution, frequently made use of the franchise granted to freeholders by Henry the VIth, in various ways, as best suited their purpose. If they would only recollect, a freeholder of forty shillings in those days was a man of great estate; to exclude every man now from voting who had not an estate equal to forty shillings in those times, would be excluding the greatest part of the present freeholders. That the voice of the people was not to be collected from the votes of that House was plain, for in all the great questions for the welfare of the country, he had observed that the country members, who were most likely to be independent, had uniformly voted, in a proportion of five-sixths for the question, but had been overpowered by the members for the rotten boroughs, which totally defeated every good end that could be proposed. The Duke of Richmond, he said, had last year introduced a bill into the other House of Parliament for an equal representation; he could not, he owned, subscribe to all the parts of that bill, but he was convinced that the noble peer meant it for the public good; for he was not ashamed to confess that he looked upon him as the most able and fit man to bring about a reform of any that this country could boast. It had been said, that to add members to the counties would be encreasing the aristocratic influence: he owned it would; and in some measure he confessed himself a friend to that doctrine; but he would wish to be understood, at the same time, not to mean the influence of peers, but to consider the monied interest as the aristocratic part; men who had stakes to lose ought, and he trusted would be the most anxious, to preserve them. It had been suggested to him, that the army and navy ought to be excluded that House; he was of quite a different opinion; for he could wish in order to make that House perfect, that it should contain the landed, the navy, the army, the monied, and in short every interest; but it did not at present; and the city for which he had the honour to sit was so little represented, that the county in which it stood, although it contained one-eighth part of the whole number of electors of Great Britain, although it paid one-sixth part of the land-tax, and a full third of all other taxes, yet it had

not more than a fifty-fifth part of the representation: certainly, no man in that House could in justice contend, that the county of Middlesex was fairly represented; but if they did, he must differ from them materially. He paid a variety of compliments to Mr. William Pitt, for his steady attachment to liberty, and was fearful that nothing but the most imminent danger would awaken the people to a sense of their danger. He reprobated the ruinous measures of the late ministry, and declared that he wished for no other support than what would naturally come from a thorough conviction that his measures were right.

The motion was opposed by Mr. Powys, Mr. Thomas Pitt, Mr. Dundas, Mr. Rosewarne, Mr. Rigby, and others. Sir Horace Mann having moved "That the other order of the day be now read," the House divided:

	Tellers.			*Tellers.*	
YEAS	Mr. Yorke, Cambridgesh. Mr. Macdonald	161.	NOES	Mr. W. Pitt Mr. Byng	141.

Mr. Pitt's motion was consequently rejected.

LORD MAHON'S BILL FOR PREVENTING BRIBERY AND EXPENCE AT ELECTIONS.

June 19.

ON the 23d of May, Lord Mahon obtained leave to bring in a bill for the better preventing bribery and expence in elections of members to serve in parliament. The bill was immediately presented and read a first time. It was afterwards read a second time and committed. On the 19th of June a motion was made for taking the report into consideration. Upon this occasion Mr. William Pitt warmly supported the bill. He was astonished, he said, that any gentleman should be hostile to a measure, which, in his opinion, was highly constitutional. It had been called an innovation; it was no innovation. It referred merely to the mode of conducting a very constitutional business; a mode which had continually warred with the times; a mode which had admitted of the grossest abuses. The regulation of this was no innovation, but a restoration of the constitution. There was indeed, nothing in the bill which did not meet his fullest approbation. It was calculated to revise a number of very useful laws, which, from the relaxation of morals, had almost become obsolete. He was replied to by

Mr. Secretary Fox, who, after paying every compliment to the preceding speaker, contested all his arguments with his

usual ability and address. He denied, that the principle of the bill had been fairly stated by his honourable friend. He wished by no means to countenance a measure which should carry on the face of it a sort of discordance, or at least a dissimilarity of sentiment between candidates and voters. He was for cultivating the connection between the elector and elected, by all possible expedients. It was by intimacy, that character, virtue, property well occupied, had their natural influence. Why should they endeavour to circumscribe the very few privileges the electors of Great Britain retained? Was it not their business to give them every assistance for extending their franchises? And nothing could possibly enhance the natural independence of English electors, more than upon an occasion of elections, obliging their friends, or preferring to the highest honour of the country those who, in their opinion, seemed most deserving of it. Mr. Fox said he was not fond of recurring to those times when representatives were paid for their trouble by those they represented. This circumstance sounded very high with some people now. But whence did it arise? This house was then of little or no weight, in the government of the country. And those arguments which referred to such ancient usages could be of no more use, than to put the House of Commons in mind of its ancient insignificance. He said that nothing that could injure the cause of the people, had any support to expect from him; and whenever the honourable gentleman came forward with his ideas, of an equal representation, he might depend on his warmest concurrence, and firm support. This was a point in which they could never disagree. On the present bill, however, their opinions did not meet, and he had stated with great deference those reasons which made him differ from him.

The question being put, the House divided:

	Tellers.			*Tellers.*	
YEAS	Lord Mahon Mr. Cocks	60.	NOES	Mr. Plumer Mr. Sheridan	59.

So it was resolved in the affirmative: but on the 21st, the bill being recommitted, several clauses containing the pith and marrow of it, being thrown out, Lord Mahon begged leave to withdraw the bill; which was accordingly granted.

Death of the Marquis of Rockingham. — Resignation of Mr. Fox. — Change of Ministry.

July 9.

WHILST parliament was successfully engaged in prosecuting the most effectual measures for the security of its own independence, for healing the breaches of the constitution, and relieving the burdens of the people, a heavy calamity was approaching, which again darkened the prospect that had so happily opened to the nation. This was the loss of the Marquis of Rockingham; whose health had been for some time gradually declining, and at length sunk under the increasing weight of public cares and business. The first step taken by the Court after his death, which happened on the 1st of July, was the appointment of the Earl of Shelburne to be his successor in the treasury. Lord John Cavendish and Mr. Fox soon afterwards resigned their offices, and were followed by the Duke of Portland; by Mr. Montagu and Lord Althorpe, from the board of treasury; by Lord Duncannon and Mr. J. Townshend from the admiralty; by Mr. Burke, and by Mr. Lee the Solicitor-General. Mr. William Pitt was made chancellor of the Exchequer; Mr. T. Townshend and Lord Grantham, secretaries of state; Mr. Pepper Arden succeeded Mr. Lee; the Lord Advocate of Scotland succeeded Mr. Barré, who was removed to the pay-office; and Earl Temple was appointed to the lord-lieutenantcy of Ireland. The secession of such a weight of talents and integrity from the service of government, could not be regarded with indifference. The motives which were supposed to have actuated them, were variously represented; and some insinuations being thrown out, highly injurious to the public character of the persons concerned, the first opportunity was taken of bringing the subject to an open discussion in the House of Commons. Accordingly, on the 9th of July, a debate having arisen on a motion relative to the pension of 3000l. a-year granted to Colonel Barré, the divisions that had prevailed amongst his majesty's servants were strongly retorted on those who had formed the last, by Mr. Bamber Gascoyne, a member of the old administration; and this discord was alleged to be the more culpable at present, on account of the very critical and alarming situation of affairs. Upon this occasion,

Mr. Fox rose. He said, that he had the honour to be one of his majesty's confidential servants when that grant, which was now the object of debate, was agreed to; and although he was not the person in whose department it lay to advise the King on the subject, still he held himself as responsible to parliament for the advice that was given. He considered the pension as a payment for services most honourably performed; and he by no means, on the maturest deli-

beration, thought that, all the circumstances considered, it was either a lavish or a misapplied grant. Having given honourable testimony to the character of Colonel Barré, and to his merits, as well as to the integrity of the noble Marquis, who, by being at the head of the Treasury, was immediately concerned in the grant now in the consideration of the House, he said, that at the same time that they acknowledged the justice of the present grant, and of another which had been alluded to in that House, the pension granted to Lord Ashburton, it was peculiarly honourable to the friends and connections of the deceased Marquis, that all the acts of his administration, which had ever been complained of in that House, had ever given rise to a motion, or had ever been alluded to in a speech, were acts of friendship to men with whom he had little or no connection; with whom he had no remarkable coincidence of sentiment; men who were not attached to him in any shape whatever; but who were distinguished by their intimacy and connection with another noble person, who made a part of that administration, and who now was to be the head of the new one. The only jobs in which the Rockingham administration were concerned, were jobs for two men, neither friendly to their persons nor principles. An honourable gentleman had said, that the grant was unwise, impolitic, and lavish, and that it was peculiarly so, in coming from men who had so loudly talked of reform, and of the necessity of public economy. To all this he could only say, that the pension now bestowed, was a thing, in fact, contributing to public reform, for it was a reward, bestowed on a man, who had most nobly pursued the object of public reform, but who had certainly not been singular in that important matter, as it had come from an honourable gentleman who sat behind him (Mr. Burke). To reward the labours of men who had the good of the public in view, was always politic, and could not be stigmatized with the character which was due to the lavish and improvident acts of the late ministry. It was however to be observed by that House, and to be remembered by the people, that the only favours which had been conferred, and the only defalcations from that principle which had taken place during the short ministry of the Marquis of Rockingham, had all been in favour of that person and his friends who were now to form the administration of this country.

But a right honourable gentleman had particularly alluded to the present circumstances of the ministry, and to the division which had lately taken place: he had said that they resembled their predecessors in being disunited, and divided in their counsel. To this he must answer, that he had

blamed the last ministry for having the meanness to continue to act, when they found themselves divided; and to hold the reins of government, when they saw that there was no concert nor unanimity among themselves. He blamed the noble Lord in the blue ribbon for having remained in place, responsible for measures of which he had not cordially approved, and when he found himself at the head of distracted councils.

He blamed him for continuing in power under such circumstances, and having done this, having charged him with guilt for having continued in such a situation, what was left for him, when he found himself in a similar situation? Most undoubtedly to retire, when he found himself in a cabinet divided upon points which he considered of the utmost importance. Without treachery to his country, he could not remain in power when such opinions were held, and such a system was to be begun, as he considered to be dangerous, if not fatal. He retired, therefore, to prevent disunion, to prevent the distraction which he conceived to be so ruinous, and by so doing he had at least preserved to himself the consolation of reflecting, that he had not remained in power longer than the system upon which they came in continued to be pursued. He considered it as honourable to the party with which he had the happiness to act, that they had not been the hunters of pensions, and of emoluments; and that though it might be a proof of wisdom in some men to secure profit and emolument to themselves, it was a point of wisdom with which they were particularly unacquainted; but there were men so wise in their generation, that they had always taken care to look forward to profit, and were likewise careful to secure to themselves this profit, by the labours of others.

He thought himself bound to answer to his country for his conduct in having withdrawn himself from a cabinet which had been formed by the firmness and opinion of the country at so critical and alarming a period. He must, therefore, say, that when he went into that cabinet, he considered himself as pledged to his country for the system to be pursued. He was in that particular situation which demanded from him the most explicit, fair, and direct proceeding; it was his disposition so to act; in the discharge of his duty to his king and country, he was anxiously solicitous that the principles upon which they came in should be most religiously and implicitly observed. What, then, could he do, when to his plain and evident conviction those principles were departed from by some of those Ministers? It was his immediate duty to retire from a situation, in which he could no longer act with

honour to himself, as he could no longer act with service to his country. When he saw that there was no prospect of those principles being any longer pursued, upon which the administration had been framed; when he was farther confirmed in his opinion, by seeing that his immediate friends were equally alarmed, and saw with the same eyes, he felt it to be his immediate duty to retire from his post; to leave those persons, who thus chose to abandon principles, and on the most important point of all the points which gave rise to their ministry, chose to deviate into new grounds, to their new system; and that he ought instantly to come forward and to declare the suspicions which he entertained, and to warn that House against the system which was to be revived.

He declared, that he, for himself, felt it to be his peculiar duty to observe the conduct of the men who were appointed to fill the offices of government; for having to answer to that House for the exact system which they had pointed out in the formation of the ministry, of which he made one, and having declared that he should certainly depart from that cabinet, whenever that cabinet should depart from the system, he did now think it his duty to come forward, and to declare that he had left his situation, and had resigned, because he believed the day was come when the system was to be abandoned; when new opinions and a new system were to be formed, or rather when an old one was to be revived. He said that he could not, and he must not, for obvious reasons, enter into a detail of the matters which had given rise to this difference between himself and others who had retired, and those who remained in the councils of the King; he could only say, that there were several points on which they had most materially differed, and after which he should have considered himself as guilty of the most direct treachery to his country, if he had continued any longer to hold out his name and support to an administration, which was not pursuing the line chalked out for them by that House, and by the people of England. His situation was so peculiar in that House, that he should have been particularly unpardonable, if he had been mean enough to submit to continue in a situation which he could not hold for the service of his country. For it was to him in particular that that House would look, as from his situation he had to come down with the measures of the cabinet; and being given to understand that he was looked to, from the promises which he had made, and told by persons, whom all men must respect, that they should consider his continuance in office as a proof that the principle was rightly pursued, and that they should expect him to come forward and give the signal when the system was

changed, and when the principle was abandoned, he felt it to be indispensably necessary that he should come forward and ring the alarum bell, and tell this country that the principle on which they had, with due deliberation, formed this administration, was abandoned, and that the old system was to be revived, most probably with the old men, or indeed with any men that could be found.

It had been said of him, and he must answer to the charge, that he had gone out upon pique, and that it was a contest about places and power. This he denied. They had taken a strange method of shewing their fondness for emoluments, by suffering all the favours and grants, all the pensions and gifts, to go in favour of those who were now to be the ministers. But it was a ridiculous charge, and he was happy to know that men of the most respectable characters, who were themselves in the secrets of the cabinet, and who were possessed of the purest and most inflexible principles of integrity, approved of this conduct, and agreed with him in thinking that they could not, and ought not, to have any farther confidence in those men, who were now to direct the councils of this country. He had no enmity against those persons, he had no personal nor private enmity to them, but undoubtedly their conduct was reproachable and blameable in his opinion to a very high degree. They were men of that magnanimity of mind which was superior to the common feelings of humanity, for they thought nothing of promises which they had made; of engagements into which they had entered; of principles which they had maintained; of the system on which they had set out. They were men whom neither promises could bind, nor principles of honour could secure; they would abandon fifty principles for the sake of power, and forget fifty promises, when they were no longer necessary to their ends. He had no doubt, but that to secure themselves in the power which they had by the labour of others obtained, they would now strive to strengthen themselves by any means which corruption could procure; and he expected to see that, in a very short time, they would be joined by those men, whom that House had precipitated from their seats.

For his own part, he was free to confess, that he had not quitted his seat without a pang. He was not insensible to those distinctions which it gave him. He was neither incapable of vanity nor of ambition; he had the vanity to be pleased with the applause of the good and virtuous, and he had the ambition to be serviceable to his country. But there were considerations superior both to his vanity and his ambition, the considerations of duty and conscience; the duty which he owed to that House and to his country of warning them of the

danger which he saw approaching, and the conscience of reflecting that he had discharged his obligations with fidelity and firmness; and that if his country was to be ruined by a renewal of that system which it had been the labour of years to demolish, he had at least the consolation of reflecting, that it was not owing to him. Moved by these considerations he had, though in circumstances, in point of fortune, by no means enviable, relinquished the pomp, the profits, and the patronage of office; he had left all this, which undoubtedly he could not cease to regret, more perhaps for the sake of others than of himself; but these were not the dearest of the sacrifices which he had made; he had had the misfortune to lose for a time the friends that were dearest to him upon earth, the men of all others whom he loved and revered, because they were men of all others whom he conceived to have the purest hearts, and the most upright intentions. They were lost only for a time, he said, because he was convinced that the professions which had been made to them, and the delusions which had been held out, though they had imposed upon them now, could not long deceive them; their sagacity would at last penetrate through the disguise of those by whom this country was now to be governed, and they would come over to his way of thinking, perhaps, after giving a sanction by their names to an administration that would more fatally undo the country than any that ever was formed, or suffered to exist in this land. He must content himself for the present with the conviction of his having acted right, and with the determination of continuing to do his duty, and to watch as a member of that House the measures of that ministry which he must, and always should distrust. From the experience that he had had, he might be dispirited, yet being his duty, he would not shrink from it; and he had this confidence, that though this new system might go on for days, weeks, months, or for years, it must, like the last, crumble into atoms, as all administrations and systems must do, which were not founded in publicity, in virtue, and in honour.

Mr. Fox was followed by General Conway, who, after lamenting the fatal event that had deprived the country of the benefit of the splendid abilities of his right honourable friend, at a time when their value and consequence were beginning to be felt, observed, that he could not, however, concur in opinion with him,—that there was such a disagreement in the cabinet as to justify him in withdrawing himself from it. When eleven ministers were assembled in council, it was impossible but that some shades of difference in opinion should exist; but he denied that any of the fundamental principles, upon which that administration had been formed, by

the virtuous and incomparable person, now no more, had been in any degree departed from. To shew that this was the case, it would be proper that he should state what were the principles on which they did set out. First then, it was the principle on which they set out, "That they should offer to America unlimited, unconditional independence, as the basis of a negociation for peace." The House would give him credit for saying, that he had for years held it as his opinion, that this was the thing to which we were approaching; but, that he had always declared it to be a great evil approaching, and that whenever it did come, it would come as an evil. He was now brought to feel the necessity of granting this independence, and this was the first great principle on which the present administration had come into power, and had begun to act. Had this principle been abandoned? He conceived not, and that the noble person who was now first lord of the treasury did not differ about this principle. There might be some difference about the means by which the object was to be obtained. It was a difference which however was very immaterial. The second principle was, "that they should establish a system of economy in every department of government; and that they should adopt the spirit, and carry into execution the provisions of the bill of reform introduced into that House by Mr. Burke, and which was now ready for the crown to pass." Was this principle abandoned, or had there been any symptons whatever of there being a design to depart from it? The next principle was, that "they would annihilate every kind of influence over any part of the legislature." This also was a principle which he assured the House the cabinet was seriously inclined to carry into execution, and he knew of no division whatever about it. Another principle was, "that they should continue to the kingdom of Ireland, and secure to it the freedom as now settled by parliament; and to do this in the most unequivocal and decisive way." In all these principles, therefore, he conceived that there was no deviation, and no cause either of apprehension or of jealously; and he was determined to continue in his place so long as these principles were adhered to. These were the great principles upon which the administration was formed; the House could already pronounce how faithfully three of them had been adhered to; as to the other, which related to America, time would convince them, that the cabinet were as determined to adhere to it as to the others: for his part, he thus proclaimed these to be his principles; hitherto, he had every reason to say, they were the principles also of the cabinet; but if ever it should be resolved in council to depart from any one of them, he would rest satisfied to be pronounced the most infamous of men, if he should continue to act one moment with those men who should enter into such a resolution. For his part he never would take a part in a scramble or quarrel for places, pensions, or for power; he did not care who were the members of the cabinet, nor who enjoyed power, provided those principles, which he had stated as the fundamental points of the new administration, were strictly adhered to: he looked to measures only, and not to men. He lamented as much as any man the death of the noble Marquis, which had occasioned the late di-

vision; but he saw no ground for apprehension that the successor, who had been given to him, would not steadily pursue the true interests of his country; that he would not strictly adhere to the great leading principle relative to America, which he had stated to the House: the noble lord in question was not satisfied with bringing himself to think favourably of American independence, to which the change of affairs had made him a convert; he went farther, and he had presuaded the king to think favourably of it also. He therefore was at a loss to discover the essential ground of difference in the cabinet, and the cause of that separation, and the loss of the assistance of his right honourable friend, which no one could more sincerely lament than he did.

Mr. Fox expressed his hope that the House would excuse him, if he should rise a second time, to exculpate himself from so heavy a charge as that of having quitted the service of the public without cause, and ascribed a conduct or intention to the present cabinet which they had a right to disclaim. It seemed to have been insinuated by the right honourable general that disappointment in a contest for power, or for place, had been the true cause of his retreat from the present administration; but he was happy to have it in his power to answer this charge effectually, by assuring the House, that he had in a full cabinet council, expressly declared, that if such and such a measure should be adopted, he must necessarily resign his employment: this declaration he had made before the death of the noble marquis; if he did not actually resign before that melancholy event took place, it was because he would not accelerate it, or embitter the last moments of a venerable friend, by taking a step, which he knew would give him the greatest uneasiness: but to prove that the probability of the death of that great and good man had no influence whatever upon him in his resolution to resign, he said, that when there was every hope given by the faculty, that the noble marquis was likely to recover, he had on the very day these glad but delusive tidings had been brought to the cabinet, positively declared that he must retire, if such a particular measure should be adopted. He was out-voted in the council, and that measure was adopted. He appealed to the right honourable general for the truth of this, and said, that as he looked upon that measure to be to the last degree dangerous to this country, he owed it to himself and to his country not to remain any longer in a situation in which he could not continue to act, without renouncing his own principles, or betraying his trust with the public. He stood, as he had said, in a delicate situation; it had been often said, that while he himself and some other men should continue in office, it would be looked upon as a pledge that nothing was going forward that could be injurious to the public interest: must he not

therefore deceive those who should look upon his continuance in office as such a pledge, if he should consent to retain his situation, while measures were pursuing which he thought highly injurious to the public interest? All that was great, all that was good in the kingdom, had countenanced his retreat; his noble friend (Lord John Cavendish) had resigned his employment; and the public would be naturally led to presume, that when such a character quitted the cabinet, no man of character ought to remain in it. If the higher sense of duty had not compelled him to resign, he had many very poweful inducements to keep him in the cabinet: he would not say that he was such a stoic as to wish rather to be neglected than courted; to prefer poverty to riches, inconvenience to ease, and obscurity to splendour and power; but when power, emolument, celebrity, and ease, were to be acquired by a base desertion of principle, an honest man could not hesitate a moment what line of conduct he should pursue. But it was said that he differed only upon shades; perhaps to his right honourable friend the difference, which to others appeared of the greatest magnitude, might appear only as a shade; but to him this difference seemed of that consequence, as to be decisive of this great question, Whether we shall have peace or war? And it was not a little strange that the right honourable gentleman, by whose vote in the cabinet the question was decided, should have had so little penetration as not to discover, that the fate of the empire, and not a little shade of difference, depended upon his vote. But it was the fate of his right honourable friend to be the last to discover those things which struck every man alive; and experience ought to have sharpened his penetration.

In the year 1766, when his right honourable friend had voted for the repeal of the stamp-act, he never dreamt that the idea of taxing America would revive; he had then the security of almost every man in the present cabinet; the present Lord Shelburne was then secretary of state; the then chancellor had signed a strong protest against taxing America: the Duke of Grafton was at the head of the treasury: the characters of all those ministers were as pledges that the system of taxing America was at an end; but so greatly had his right honourable friend been deceived, that in six months after the Marquis of Rockingham went out of place, the right honourable general found himself a part of an administration determined to tax America; then, and not till then, the right honourable general found out what had been visible to every other person long before; and thus had he, by his unsuspecting confidence, and his not regarding shades of difference, contributed in a most essential degree to

the establishment of that system which in the end had ruined, or well-nigh ruined the country. The right honourable general had too much magnanimity of character, too much generosity of mind, and too much complaisance to be scrupulous in his enquiries about the niceties and minutiæ of the measures of those men with whom he acted. To this magnanimity and benevolence he, for his own part, confessed himself unequal: he could not repose confidence without investigating character; and he looked to principles before he trusted to words. Were he to look back to the series of events and causes that had so progressively brought this country to its present state, he should trace the political liberality of the right honourable gentleman as the cause of almost all the misfortunes that had been brought upon the country; so that if he were to be asked who was the person who of all others had contributed the most to the misfortune of the American war? he should be tempted to say, the right honourable general; and if again he should be asked, who was the man with the most upright intentions, and who had pursued measures with the most disinterested integrity? he should say with much pleasure, the right honourable general. And all this happened, because he did not attend to those shades of difference which he thought immaterial, and which he said his understanding could not reach! He said the right honourable gentleman did now, what he did sixteen years ago with the best intentions; he joined the same men without thinking it necessary to examine their hearts; and he would, therefore, as he had before, quit them when he had discovered their rank intentions against their country. He said he had reason to believe that the right honourable gentleman might on this day differ in opinion, but he hardly believed they would have differed about facts; the right honourable gentleman had read the creed of the cabinet; he could only say upon this, that he had heard this creed from him for the first time. He never heard it in the cabinet from the Earl of Shelburne; and he would just take the liberty of going so far as to say, that it was upon this very circumstance that the great difference of sentiment had occurred. That which the right honourable general had called shades of difference, which his understanding could not reach, were differences about points, upon which, in his honest opinion, the salvation, or the ruin of this country depended. They were, in a most peculiar manner, no less than upon the very principle which he had just mentioned, the independence of America. It was said by the right honourable general, that it was the opinion of the cabinet to give full, unconditional, and unlimited independence to America. He could not take upon him to

say what was now the opinion of the cabinet, but he could assure the House that it was not the opinion of the cabinet when he had made the determination to resign. But if it was now the opinion of the cabinet, he congratulated his country on the consequences of his resignation; for he had been able to do more towards the deliverance of his country, by resigning his post, than he was able to effect with all the force of argument when he remained in. It shewed him that it was possible for him, in the present moment, to serve his country more in that House than in any other place. He was not to be reasoned out of his senses by his right honourable friend; for if it was now the intention of the cabinet, as he said, to grant independence to America, it was an intention very lately adopted: he had never before seen the papers from which his right honourable friend had stated his four great principles; and therefore he could not be answerable for their contents; but this much he could assure the House, that he differed from the cabinet on this subject, because he found the majority of them averse to that idea of unconditional independence to America, which he conceived it to be necessary to the salvation of this country to have granted: if, since he quitted his employment, his late colleagues had changed their opinion, he rejoiced at the event; and would feel himself satisfied, if the sacrifice he had made to his principles should ultimately be serviceable to this country. The number of eleven in a committee of council, he certainly thought too great; and he was of opinion, that those ministers who hold great responsible situations, should have more interest in the cabinet, than those members of it who attended merely to give counsel, but without holding responsible situations.

He was also unhappy to say, that there were other most material points in which he and others differed with the Earl of Shelburne. That noble person was inclined to screen from justice and punishment those delinquents who had destroyed our possessions in the East, and involved us in all the calamities which that House had so honourably endeavoured to remove. The right honourable general had said, that they were also inclined to the system of economy, and to the reduction of the influence of the crown, and particularly friendly to the objects of Mr. Burke's bill. Did he not know, and did not all men know, who had heard the noble person's loud and specious speeches in Parliament, that he professed to treat that bill with the utmost contempt, and called it trifling and insignificant? It was an infant, a pigmy, in comparison of the promises of that noble lord, but he was convinced it would be a giant in comparison of his performances. It was the talent of that noble lord to promise, and he had always

promised much more than the noble marquis, who was now no more; the noble marquis promised little, because he religiously performed every promise that he made. But there was an extravagance and profusion in the manner in which the other noble person made his promises, and a magnanimity in the manner in which he broke them.

And this brought him to state another reason for his retiring; and that was the appointment of the Earl of Shelburne to the office of first lord of the treasury: the patronage of that place was undoubtedly great; and whoever filled it must have power; much more power than any other member of the cabinet. Now, it was but just and fair, that those who went into office, upon certain public principles, should be satisfied that none were introduced into the cabinet, who were hostile to those principles; and they either should have a right to retire, or to have a voice in the appointment of all persons who should be nominated to fill those vacancies that might happen: when that power was taken from them, their power was at an end; and if the king had a right to nominate his ministers, his counsellors had a right to retire, whenever they thought fit: privilege in the one case was opposed to prerogative in the other: but there was no question of right in the business; the right was not to be disputed on either side; but the moment he was called upon for reasons for having quitted his employment, that moment it was pronounced to be a matter in which expediency, not right, was involved; to be accused in this case, amounted to a justification of the principle; a minister was to exercise his right to retire, whenever it should appear to him that he ought to do it. He had been since told, that his objections might have been removed, without any separation or division in the cabinet; this he might have thought probable, if those persons, upon whom he could most depend, had remained in the council after him; but when he found they also had retired, then he confessed that the very steps taken to convince him, that his objections might have been removed without a division, had tended only to alarm him more. One would naturally imagine, in an administration formed on the principles of the men distinguished by the name of the Rockinghams, that upon the decease of that great man, whose virtues, whose nobleness of thinking, and whose firm integrity bound them together, the man would be sought and appointed to succeed him, who most resembled him in character, in influence, in popularity — such at least were his ideas — and the eyes of all men were naturally turned to the Duke of Portland. Instead of that noble person, however, the Earl of Shelburne was selected, of whom, if he meant to describe the character, he could not truly say that

he bore any resemblance to his predecessor; perhaps the exact reverse might come nearer to the picture. Perhaps it might be asked, why, thinking as he did of the Earl of Shelburne, he came with him into office at all? To this he must answer, that he had strong objections to it, and both with respect to him, and to another noble person, (the Lord Chancellor,) the only thing that could make him submit to associate with them in office, was the satisfactory pledge which he had for the integrity of the administration, of which he made a part, in the noble marquis being at the head of it.

The country had now an administration, which could not be that popular administration to which his honourable friend had alluded; it was now the administration of a man who could not think of reformation with temper, however loudly he might speak about it; a man who would declare, that the influence of the crown ought to be diminished, but who would, at the same time, say, that the king had a right to use his negative in passing laws, and would threaten with the exercise of that negative all those who should attempt to move any bills that went to retrenchment. Such was the man now at the head of the Treasury; the principles of the late ministry were now in the cabinet; and the next thing he should look for, would be to see the late ministers themselves again in office. But perhaps he would be said to be too apprehensive, and that his suspicions were vague; probably they were so: it would, however, be acknowledged to him, that thinking conscientiously that he saw such danger, it was fit for him to come forward and to warn his country in time. He did so. He and a few friends retired to a strong hold, into which he doubted not to see all his old friends and companions come one after another, some sooner and some later in the day, but all lamenting that they did not come with him.

General Conway said he took all the strictures on his abilities and conduct, such as they were, which came from the honourable gentleman in good part. He regretted the loss of the assistance and countenance of his late friends with great sincerity. But their resignation on this occasion he could not help censuring as inimical to the prosperity of those measures in which this country was at present so fatally and deeply engaged. The honourable gentleman, he said, was incapable of misunderstanding or misrepresenting what fell from him, yet certainly he had stated fairly and distinctly the great and leading objects for the accomplishment of which the administration under the late Marquis of Rockingham was formed. And these objects, he affirmed, were still the avowed and invariable objects of the present. He might be mistaken, or misled, or deceived, as the best and wisest of men often were. But he was sure his intentions were honourable, as they had al-

ways been undisguised. His head, or his judgment might err, as he was sensible of its weakness in a thousand instances; but he would boldly, publicly, and on all occasions, answer for his heart. He might not have expressed himself so clearly, accurately, or guardedly, perhaps, but he was not conscious of qualifying, much less of altering any of his well-known sentiments on these topics. That independence to the thirteen states of North America was to be the basis of all our negotiations with them: that they were to be treated as independent in the very mode of carrying on these negotiations: that a large and substantial reform in every branch of the public expenditure; and that the undue influence of the crown in this House was to be circumscribed—were certainly the ground-work or public principles on which the new arrangement, as well as the preceding one, was avowedly established. It was on this conviction, and this alone, he pledged himself to give it all the support and assistance he could. The moment the least symptom of departing from these struck him, he would undoubtedly follow his honourable friend's example. He would not think his honour or his conscience safe in deviating from this broad and beaten ground of politics in the least. He was obliged to the honourable gentleman for his kind and very flattering opinion; but he did not think himself altogether liable to the censure implied in the compliment, so handsomely paid him. He was for public measures, not men. While the former were pure, and meant for the public advantage, it was indifferent to him who had the power. He had no object but one. He trusted his actions were guided solely and always by the public good: and whoever accorded with him in facilitating this great end, was entitled, in his opinion, by every possible claim to his countenance. For the merits of the late first lord of the Treasury he had the most serious esteem. His personal and social qualities and accomplishments were as valuable and exemplary as they were uniform and rare. But why degrade the living, by an ill-timed compliment to the dead? The Earl of Shelburne was not the less respectable because his predecessor was a man of uncommon worth. No; there was an instance of merit in the Earl of Shelburne that it was but justice to mention to the House. His lordship, so far from renewing the old exploded politics, had been able, as he had said, to convince his royal master, that a declaration of American independence was, from the situation of the country, and the necessity of the case, the wisest and most expedient measure that government from the pressure of present circumstances could possibly adopt. This he observed was a satisfactory reason to his mind that nothing less than such a measure in its utmost latitude was certainly meant by the cabinet. And while he had this confidence in the integrity and candour of ministry, sorry as he was to differ from his honourable friend, the duty he owed to his country, to his king, and to his constituents, made it impossible for him to do otherwise. His honourable friend had alluded to the year 1766; but in mentioning the names of the cabinet ministers of that period, he had forgot that of the Earl of Chatham; when he acquainted that great minister with his intention of resigning, he had dissuaded him from

his purpose, by saying, that if the well-wishers to their country should retire, it would make it absolutely necessary for ministry to apply to those very persons for support, who had been driven out by them.

Mr. Fox said, a few things had just fallen from the right honourable gentleman, which he could not pass unnoticed. To the political creed which had been read before the House, with so much solemnity, he was no party. It was, as he had said, a paper he had never till then either seen or heard. The subject of it was certainly not unknown to him, though the terms in general were. This was a system digested by himself, and now held out to the public as adopted by his majesty's council. It was now a week since he had the honour to be one of the number. A general conversion might have been lately wrought on them. They were not, he asserted, agreed on any such system while he knew them. To bring them unanimously to some such specific and decisive point, he had laboured ardently and assiduously, both individually and collectively considered, but all to no purpose. What was an honest man to do, who found himself situated as he was? He had avowed principles in this place to his friends, to his constituents, to the nation at large, with which he deemed their existence, as a great and a respectable state, inseparable. Was it ever conceived or expected, that he could continue in a responsible department of state, and be answerable in his place to this House, for those that were foreign to his heart, and in his opinion hostile to the best interests of the empire? He trusted, the public, and all who knew his habits of thinking and acting, had a better opinion both of his understanding and his heart. It was in fact a conduct to which he was not equal. His right honourable friend was indifferent who were the men, while the measures were unquestionably good. What was this but trusting every thing at random, and depending on events to justify a manifest treachery to the cause we have espoused. The right honourable gentleman was welcome in this, as in every other case, to judge for himself, but he should not judge for him. He would not relinquish his own judgment, especially in matters which he had so often and carefully revolved in his mind, to any, in whom he had not the fullest and most unbounded confidence. This was not in his power, as things were at present circumstanced. The person presiding at the treasury-board was not of a description to command that faith, which in such a predicament was wanted, was indispensable. This breach was on a public, not on a personal or narrow ground. His mind might see things on a less broad and comprehen-

sive scale than the right honourable gentleman, but he was answerable only for his own feelings and convictions. These might incline him to be less credulous, and fill him with more jealousies than his right honourable friend was liable to entertain. But he did not pretend either to censure or defend the constitution of his mind. It was enough for him that his conscience did not upbraid him with acting dishonourably or disingenuously. But he would say this must have been the case, had he not done what he did. He was impelled to take this step by every consideration that could operate on the heart and feelings of an honest man. The right honourable gentleman might, but he could not regard, without emotion or concern, who took the lead in his majesty's councils. He deemed it a great and national object, and consequently of infinite moment to every individual, but much more to a member of parliament; and still more so to one of his majesty's cabinet ministers. Their honour, their duty, and every thing dear to them was at stake. What! had he and his friends laboured so long and assiduously to destroy a system, which it was now meanly, but abortively, attempted to make them accessary in reviving? and must not they see the trick that was meant to be played on them without blame? Were they censurable for detecting an artifice with which the strength and glory of Great Britain was most immediately connected? Why were not the right honourable gentleman and his worthy coadjutors satisfied of their own integrity, in keeping their places, without blaming those who relinquish them? Was not their eagerness for an explanation a certain indication that all was not right with them, even in their own opinion? He and his friends had nothing to dread from the severest scrutiny. They had acted right, because they had acted from fidelity to their engagements with the public, whom they never had, and never would betray; whose cause or interest they preferred to every thing, and for which they had now sacrificed whatever was most flattering to most minds. He would not pay his majesty so poor a compliment as the right honourable gentleman certainly did, by asserting, that the Earl of Shelburne had convinced or persuaded his majesty, that the independence of America was now a measure that must be adopted. It was from this House, it was from the people at large, it was from the royal observation on the daily occurrences of things, that any such generous and princely ideas were indulged in the royal breast. He therefore deemed it, if not unfair, at least a poor compliment to this House, and to the public, to attribute that to the address of an individual which certainly originated in the sentiments and resolutions, so unanimously and boldly avowed by themselves. Though

they were altogether out of the question, it was hardly treating his colleagues in office with due respect, to give Lord Shelburne the sole merit of what surely belonged to them as much as to him. Indeed, if any individual had more merit than another, in a business so much and jointly the object of all, it was no doubt the right honourable gentleman himself. What was the purport of the motion he brought into this House, and by which the late administration was certainly annihilated? If it had any meaning, it went to the full and unconditional independence of North America. He would not think so disrespectfully of his royal master, whose service he had so lately resigned, as once to suppose he could have a different idea from his people, on a subject so dear to their hearts, and essential to their interests. He knew the justice, the discernment, the gentleness, and the mercy of the royal character better than to suppose he could dissent from the general opinion of the nation, on a point concerning which their sentiments had been delivered in so decided a manner. But why was not he, why was not the right honourable gentleman himself brought forward, as using all their influence to carry a point which seemed a favourite one with them all? Was it not that the noble lord in question was alone suspected of having less friendly ideas on this topic, than any of his numerous colleagues in office? He did not wish to bear hard on the right honourable gentleman, whom he had long regarded with sentiments of the highest respect. But now that he had been somewhat involuntarily put on his own defence it was natural, it was necessary in his case to state his conduct as he had stated it. A variety of things were against him. It was none of the least that he did not think himself at liberty to speak so freely and fully as he had accustomed himself to do on other occasions. Official details would in this case be deemed both tedious and improper. And yet without a very circumstantial detail, such as he did not think it became him at this time to give, he was sensible his defence would not be so strong, so complete, or so generally effective as it might otherwise have been.

Lord John Cavendish stated his reasons for quitting the post of Chancellor of the Exchequer, which, he said, were briefly, that hearing a different system was meant to be pursued, than the one on which the change of ministry was formed, and likewise finding that it was impossible by any presence of his to prevent it, he had determined to withdraw himself, that he might not divide the cabinet, and render it a scene of confusion, as it was in the time of the late ministry; for he always should be of opinion, that a cabinet unanimous in itself, although their measures might not be so

good as could be wished, was much better for the country than a cabinet that was divided. He was of the same opinion as Mr. Fox, that he could be of infinitely more service to his country by being out of office, than by being in; for it appeared that measures would be consented to in his absence, that no argument he could make use of when present would effect.—Mr. Burke supported Mr. Fox. On his rising there was an uncommon confusion at the bar. He directed his eye to that quarter, and with considerable emotion said, he was peculiarly circumstanced from the delicacy which he had for one part of the House, while he felt nothing but the most sovereign contempt for the other. This to him appeared the hour, though a late one, of the greatest consequence. He was called on by a variety of circumstances to vindicate his character and principles to the public. Those, who by the present unaccountable tumult seemed dissatisfied with his private character, knew where to find him. But he was not to be intimidated by these little unmanly and dirty artifices, from coming forward and accounting, with much simplicity and truth, for his short stewardship, to that public, whose servant he had ever been. About the question relating to the pension meant for an honourable gentleman, he had but little to say. With respect to this particular pensioner, he knew that the noble marquis thought himself bound for it, as he had, in the year 1766, left out the honourable colonel by mistake, from a list of promotions. Among all the encomiums made on the character of the noble marquis lately deceased, this was one, that he left his dearest and best friends with the simple reward of his own invaluable intimacy. This singular test of their sincerity he asked while alive, and it was a tax he left on their regard for his memory when dead. He, for his own part, had not been without his share of the one, and he would soon convince the world, he was not unequal to the other. Well might he be excused for mingling his tears with those of all descriptions and ranks of men, for the inestimable loss of this most excellent and most virtuous character! He was gone, he said, to that tribunal, where we all must go and render an account of our transactions, and he trusted, that no soul ever went with a greater certainty of its actions being approved. On the late change of ministry, the people, he said, looked up to the Marquis of Rockingham as the only person who must be at the head of affairs, as the clearness of his head, and the purity of his heart, made him universally beloved. It was to him that the public looked for every thing; they knew government was safe in his hands, as he would not lend his name to any thing that was detrimental to his country. But as fate had so ordained it, as to take that great and virtuous statesman from us, the first step his majesty's ministers should have done, was to seek out some person the most like him in sentiment and integrity; but unfortunately for the country, it had turned out just the reverse; they had pitched on a man, of all others, the most unlike to him. It was proposed, he said, to have appointed the Duke of Portland in the room of the noble marquis, as he was a person whose abilities and integrity had gained him the love of the peo-

ple here, and the esteem and veneration of the people of Ireland. He was the person whose great talents and connections would have given weight to his majesty's councils, and been a means of bringing about that object so much wished for, a general, lasting, and honourable peace; but from the turn things had taken, he was fearful that all the good that had been effected by displacing the late ministry, who so nigh wrought the ruin of their country, would be frustrated; and if it should cause a twenty years' siege, as his honourable friend had talked of, to displace these men, he was of opinion that few persons would have courage to undertake it. The noble marquis, he said, had uniformly, through life, entertained one opinion; but that was not the case with the noble earl that was to succeed him. He was a man that he could by no means confide in, and he called heaven and earth to witness, so help him God! that he verily believed the present ministry would be fifty times worse than that of the noble lord, who lately had been reprobated and removed. He begged leave to make a few remarks upon what he could not help considering as very extraordinary doctrine, which a right honourable general had been pleased to lay down under the idea of candour; and I hope, said Mr. Burke, it will not be considered to be impertinent, as it seems to glance at impropriety, or (if the House pleases) a want of candour in me and in my friends. Candour, if I understand the true meaning of the word, is an impartial view of whatever the mind contemplates; let us apply this definition to the right honourable general's apology for his conduct. He tells you, that he has seen nothing improper in the demeanour of Lord Shelburne under the Rockingham administration; he will therefore try him as a premier. Is this an impartial view? No, no — surely it is not. To be candid, we must take to mind, the whole of that nobleman's politics ever since he had affected to be a statesman. In the late premiership he was controuled. In former administrations, when he could indulge his opinions, he did indulge them: and now that he is minister, he will give scope to them with a vengeance. Mr. Burke trusted some credit would be given him on the present occasion. His domestic sensibility had never been doubted. He had a pretty large family and but little fortune. He liked his present office. The House and all its appendages, to a man of his taste, could not be disagreeable. All this he relinquished not, the House might well conceive, without regret; for the welfare of his family was very dear to him. No man could conceive him capable in such circumstances as his certainly were, to sacrifice all this and four thousand pounds per annum for nothing? No; he did it all for that country and that public whose property he was, and to whom he was always ready to surrender whatever he most valued in life. He had been long surfeited with opposition. Those who were familiar with his habits of living, with his manners and temper, would not call him petulant or factious. What then, could induce him to leave an administration to the formation of which his humble endeavours had somewhat contributed? nothing, he protested, but the sincerest regard for a public, in the service of which he wished to live and die. He was not satisfied, because his heart would not let him confide where his duty and

situation made it necessary that he should. The right honourable general's feelings were in this respect exceedingly convenient. He took every man by his looks; this might be very good-natured, but it was not very wise. He had read when young, of a wolf which was mistook by a simple shepherdess, because dressed like her grandmother, for one quite as gentle and tame as she was. But the first opportunity undeceived the poor girl. Take care that none of you render yourselves obnoxious to a similar ridicule. But, perhaps his worthy friend might despise this lesson, because it was drawn from a little book. He would therefore touch upon an idea borrowed from a book of more authority. He would ask the gentleman, whether if he had lived in the time of the immortal Cicero, he would have taken Cataline upon trial, for his colleague in the consulship, after he had heard his guilt so clearly demonstrated by that great orator? Would he be copartner with Borgia in his schemes, after he had read of his accursed principles in Machiavel? He could answer for him, he knew he would not. Why, then, did he adhere to the present man? He meant no offence, but he would speak an honest mind. If Lord Shelburne was not a Cataline, or a Borgia, in morals, it must not be ascribed to any thing but his understanding.—Mr. William Pitt said, he should think himself criminal if he were not to speak on the present subject, as, in his opinion, it was of the most serious consequence to the nation. The late right honourable secretary (Mr. Fox), was looked up to by the people as the ostensible man in that House, and therefore was to be considered as public property; as such, he should consider him, and, therefore, had a right to question him on his conduct, in resigning an important station, when the nature of affairs demanded the assistance of his great abilities. The right honourable gentleman had declared, that it was to prevent dissentions in the cabinet that he had retired, as he found there was a material difference on some grand political questions. He believed the right honourable secretary, on account of his having solemnly declared it, but had he not, he should have attributed the resignation to a baulk in struggling for power. It was, in his opinion, a dislike to men, and not to measures; and there appeared to him to be something personal in the business, for if the right honourable gentleman had such a dislike to the political sentiments of Lord Shelburne, how came he to accept of him as a colleague? And if it was only a suspicion that Lord Shelburne was averse to the measures the right honourable gentleman wished to adopt, he should have called a cabinet council, and have been certain of it before he had taken such a hasty step as he had done. The right honourable gentleman had said, that quite a different system was going to be pursued to what was the ground on which the present ministry came in; he could assure him, that he had no such suspicions, for if he had, no man would be more averse to supporting them than he would; but if he should be called upon to act in any capacity under the present administration, whatever the office might be, he should think it his duty cheerfully to lend his hand to forward the springs of government, and give them every assistance in his

power. He professed himself a determined enemy to the late ruinous system of affairs, and pledged himself, that whenever he should see things going on wrong, he would first endeavour to set them right, and if he was not successful, then resign, but not before.

Mr. Fox rose to explain, that so far from its being a struggle for power, he had absolutely determined upon resigning previous to the death of the marquis, and had communicated those sentiments to a noble duke; he had likewise called together a council, to take their sense upon the subject, and he had well weighed the matter before he put it in execution; for he was aware, that as the public eye was upon him, they would look up to him, and expect good and sufficient grounds for his conduct; he trusted it was in his power to give them these grounds; and no man would blame him for quitting a council in which he must have been a mere puppet, for he could as well tell how every measure would be carried the moment he knew the mover, as he could formerly tell how gentlemen would vote on grand political questions in that House. Was such a cabinet a fit one for him to remain in? Could he submit to be responsible for measures of which he disapproved, and lend his name to a system in which he had no share? With respect to the fear of letting in the old administration, there was none, he said, for that House would not suffer it; the people of England would not suffer it; indeed no man, he believed, would attempt it. The House, he hoped, would do him the justice to think, that it must be some very great, some very material differences in politics that could make him give up the place he had the honour to fill, a place which was not only lucrative, but powerful.

This conversation, which continued to a late hour in the night, was closed by Mr. Lee, the solicitor general. He said he held it to be the duty of every honest man to resign his office the moment he found public measures were carrying on of which he could not approve. The appointment of a minister unqualified for his situation, was undoubtedly a measure of that kind. He had heard much of dissention, but he had not seen one person step forward to say the Earl of Shelburne was a fit and proper person for the high office he held. If there was any such person, he wished to hear him. The noble earl to be sure possessed splendid talents, had some friends, and was now in a way to make more. But the minister of this country should have other endowments. He should join to a sound head a purity of mind, a steadiness of principle, and an unsuspected integrity. Were these, he demanded, the reputed characteristics of the nobleman just exalted to the principal department of the state? To put him at the head of affairs in this plain and open-hearted country, was to put him

out of his element. The people of England were incapable of finesse, and not fond of submitting to the government of those who practised it. The Treasury too required a sober, honest, industrious, steady commissioner at its head. It was not an ostentatious affectation of uniting the man of science and the fine gentleman; the technical jargon of arts and the gibberish of courts; the pedantry of scholastic nostrums, and the abstruse theorems of mechanism, that would create respect and consequence in that high office. Who knows not, said he, how easily a head filled with such materials may be turned upside down? He concluded with some observations on the youth and inexperience of the new Chancellor of the Exchequer, to whose extraordinary abilities he nevertheless paid the highest compliments. He said there was an obvious intention of trifling with the people, by bringing forward one of their favourites as a compensation for insulting another; but though the honourable gentleman would adorn any scene in which his part was properly cast, yet he did not think the confidence of the people would be much increased, by putting the complicated business of our finances into the hands of a boy. *

ADDRESS ON THE KING'S SPEECH AT THE OPENING OF THE SESSION.

December 5.

THE negociations for a general peace were advancing so nearly to a conclusion, that on the 23d of November letters were sent by the secretary of state to the lord mayor of London and the governors of the bank, acquainting them, "For the informa-

* The following is a List of the Shelburne Administration:

First Lord of the Treasury — Earl of Shelburne.
Chancellor of the Exchequer — Hon. William Pitt.
Principal Secretaries of State — Lord Grantham, Thos. Townshend, Esq.
Lord Chancellor — Lord Thurlow.
First Lord of the Admiralty — Lord Keppel.
President of the Council — Lord Camden.
Lord Privy Seal — Duke of Grafton.
Master-General of the Ordnance — Duke of Richmond.
Chancellor of the Duchy of Lancaster — Lord Ashburton.
Secretary at War — George Yonge.
Treasurer of the Navy — Henry Dundas, Esq. (afterwards Lord Melville).
Paymaster of the Forces — Colonel Barré.
Attorney-General — Lloyd Kenyon, Esq. (afterwards Lord Kenyon).
Solicitor-General — John Lee, Esq.
Lord Lieutenant of Ireland — Earl Temple.
Secretary to ditto — Hon. William Wyndham Grenville (afterwards Lord Grenville).

tion of the public, and to prevent the mischiefs arising from speculations in the funds, that the negotiations carrying on at Paris were brought so far to a point, as to promise a decisive conclusion, either for peace or war, before the meeting of parliament, which on that account was to be prorogued to the 5th of December." On which day the session was opened by the following speech from the throne:

"My Lords and Gentlemen;

"Since the close of the last session, I have employed my whole time in that care and attention which the important and critical conjuncture of public affairs required of me.—I lost no time in giving the necessary orders to prohibit the further prosecution of offensive war upon the continent of North America. Adopting, as my inclination will always lead me to do, with decision and effect, whatever I collect to be the sense of my parliament and my people; I have pointed all my views and measures, as well in Europe as in North America, to an entire and cordial reconciliation with those colonies.—Finding it indispensable to the attainment of this object, I did not hesitate to go the full length of the powers vested in me, and offered to declare them free and independent states, by an article to be inserted in the treaty of peace. Provisional articles are agreed upon, to take effect whenever terms of peace shall be finally settled with the court of France.—In thus admitting their separation from the crown of these kingdoms, I have sacrificed every consideration of my own to the wishes and opinion of my people. I make it my humble and earnest prayer to Almighty God, that Great Britain may not feel the evils which might result from so great a dismemberment of the empire; and, that America may be free from those calamities, which have formerly proved in the mother country how essential monarchy is to the enjoyment of constitutional liberty.—Religion—language—interest—affections, may, and I hope will yet prove a bond of permanent union between the two countries: to this end, neither attention nor disposition on my part shall be wanting.—While I have carefully abstained from all offensive operations against America, I have directed my whole force by land and sea against the other powers at war, with as much vigour as the situation of that force, at the commencement of the campaign, would permit. I trust that you feel the advantages resulting from the safety of the great branches of our trade. You must have seen with pride and satisfaction the gallant defence of the governor and the garrison of Gibraltar; and my fleet, after having effected the object of their destination, offering battle to the combined force of France and Spain on their own coasts; those of my kingdoms have remained at the same time perfectly secure, and your domestic tranquillity uninterrupted. This respectable state, under the blessing of God, I attribute to the entire confidence which subsists between me and my people, and to the readiness which has been shewn by my subjects in my city of London, and in other parts of my kingdoms, to stand forth in the general defence. Some proofs have lately been given of public spirit in private men, which would do honour to any age, and any

country.—Having manifested to the whole world, by the most lasting examples, the signal spirit and bravery of my people, I conceived it a moment not unbecoming my dignity, and thought it a regard due to the lives and fortunes of such brave and gallant subjects, to shew myself ready, on my part, to embrace fair and honourable terms of accommodation with all the powers at war.—I have the satisfaction to acquaint you, that negotiations to this effect are considerably advanced; the result of which, as soon as they are brought to a conclusion, shall be immediately communicated to you.—I have every reason to hope and believe, that I shall have it in my power, in a very short time, to acquaint you, that they have ended in terms of pacification, which, I trust, you will see just cause to approve. I rely, however, with perfect confidence, on the wisdom of my parliament, and the spirit of my people, that, if any unforeseen change in the dispositions of the belligerent powers should frustrate my confident expectations, they will approve of the preparations I have thought it advisable to make, and be ready to second the most vigorous efforts in the further prosecution of the war.

"Gentlemen of the House of Commons, I have endeavoured, by every measure in my power, to diminish the burthens of my people. I lost no time in taking the most decided measures for introducing a better economy into the expenditure of the army.—I have carried into strict execution the several reductions in my civil-list expences, directed by an act of the last session. I have introduced a further reform into other departments, and suppressed several sinecure places in them. I have by this means so regulated my establishments, that my expence shall not in future exceed my income.—I have ordered the estimate of the civil-list debt, laid before you last session, to be completed. The debt proving greater than could be then correctly stated, and the proposed reduction not immediately taking place, I trust, you will provide for the deficiency; securing, as before, the repayment out of my annual income. I have ordered inquiry to be made into the application of the sum voted in support of the American sufferers; and I trust that you will agree with me, that a due and generous attention ought to be shewn towards those who have relinquished their properties or professions from motives of loyalty to me, or attachment to the mother country.—As it may be necessary to give stability to some regulations by act of parliament, I have ordered accounts of the several establishments, incidental expences, fees, and other emoluments of office, to be laid before you. Regulations have already taken place in some, which it is my intention to extend to all; and which, besides expediting all business, must produce a very considerable saving, without taking from that ample encouragement, which ought to be held forth to talents, diligence, and integrity, wherever they are to be found.—I have directed an enquiry to be made into whatever regards the landed revenue of my crown, as well as the management of my woods and forests, that both may be made as beneficial as possible, and that the latter may furnish a certain resource for supplying the navy, our great national bulwark, with its first material.—I have directed an investigation into the

department of the Mint, that the purity of the coin, of so much importance to commerce, may be always adhered to; that by rendering the difficulty of counterfeiting greater, the lives of numbers may be saved, and every needless expence in it suppressed.—I must recommend to you an immediate attention to the great objects of the public receipts and expenditure; and above all, to the state of the public debt. Notwithstanding the great increase of it during the war, it is to be hoped, that such regulations may still be established, such savings made, and future loans so conducted, as to promote the means of its gradual redemption by a fixed course of payment. I must, with particular earnestness, distinguish, for your serious consideration, that part of the debt which consists of navy, ordnance, and victualling bills: the enormous discount upon some of these bills shews this mode of payment to be a most ruinous expedient.—I have ordered the several estimates, made up as correctly as the present practice would admit, to be laid before you. I hope that such further corrections as may be necessary, will be made before the next year. It is my desire, that you should be apprised of every expence before it is incurred, as far as the nature of each service can possibly admit. Matters of accounts can never be made too public.

"My Lords and Gentlemen; The scarcity, and consequent high price of corn, requires your instant interposition.—The great excess to which the crimes of theft and robbery have arisen, in many instances accompanied with personal violence, particularly in the neighbourhood of this metropolis, has called of late for a strict and severe execution of the laws. It were much to be wished that these crimes could be prevented in their infancy, by correcting the vices become prevalent in a most alarming degree.—The liberal principles adopted by you, concerning the rights and the commerce of Ireland, have done you the highest honour, and will, I trust, ensure that harmony, which ought always to subsist between the two kingdoms. I am persuaded, that a general increase of commerce throughout the empire will prove the wisdom of your measures with regard to that object. I would recommend to you a revision of our whole trading system, upon the same comprehensive principles, with a view to its utmost possible extension.—The regulation of a vast territory in Asia opens a large field for your wisdom, prudence, and foresight. I trust that you will be able to frame some fundamental laws, which may make their connection with Great Britain a blessing to India; and that you will take therein proper measures to give all foreign nations, in matters of foreign commerce, an entire and perfect confidence in the probity, punctuality, and good order of our government. You may be assured, that whatever depends upon me, shall be executed with a steadiness, which can alone preserve that part of my dominions, or the commerce which arises from it.—It is the fixed object of my heart to make the general good, and the true spirit of the constitution, the invariable rule of my conduct, and on all occasions to advance and reward merit in every profession.—To ensure the full advantage of a government conducted on such prin-

ciples, depends on your temper, your wisdom, your disinterestedness, collectively and individually. My people expect these qualifications of you: and I call for them."

An address of thanks in answer to the above speech having been moved by Mr. Yorke, of Cambridgeshire, and seconded by Mr. Bankes,

Mr. Fox rose. He said, that though he did not mean to give any opposition to the Address that had been just moved, or to propose any amendment to it, still he did not think that it would be proper for him, at so important a crisis as the present, to let the first day of the session pass over, without some remarks on a subject of the greatest magnitude. He could have wished that it had fallen to the lot of some other person to have taken the lead that day, on account of the situation in which he stood, and the suspicions which he was above denying he entertained of some of his majesty's ministers. That situation, and those suspicions, might incline the House to think that he meant, by rising thus early, to oppose government, right or wrong, and to obstruct their measures at any rate. He disclaimed all such intentions. Whatever might be his situation, and whatever his suspicions, he should support the present ministry in all things in which he thought they were acting for the public good; and he rose now for the purpose of making some remarks on the speech from the throne. With some parts he was well pleased, and he did not mean to give any opposition to the rest, or to propose any amendment. There were some things in the speech which particularly struck him, and some things also in the speeches of the two honourable gentlemen who moved and seconded the address, particularly the latter. And first, he would take notice, that in the very out-set of the king's speech, which, according to parliamentary custom, he must consider as the speech of the minister, there was an inaccuracy in point of time, which he was willing to look upon merely as the effect of inattention, and not of design; where it was stated, that since the last session of parliament, his majesty had lost no time in giving the necessary orders for putting an end to the war on the continent of America. If this date of the orders had been correct, it would have been the strongest proof of guilt in him, and in those with whom he had had the honour to act in his majesty's councils, for having so long delayed to send out those orders, which parliament had pronounced to be so necessary; but in fact, they had been issued long before: this much he thought necessary to premise, lest the character of a noble friend, now no more, and his own, should suffer by an imputation, that orders for put-

ting an end to offensive operations in America had not been sent till after the recess of parliament. [The Chancellor of the Exchequer interrupted Mr. Fox for a moment, just to assure him, that, upon a careful perusal of the speech, he would find that there was not so much as a shadow of ground for any such imputation.] Mr. Fox again observed, that he had not a doubt but such an imputation might be drawn from the speech, though he was convinced that there had been no intention in administration that the speech should convey it. For the words of the speech were, "Since the close of the last session, I have employed my whole time in the care and attention which the important and critical conjuncture of public affairs required of me," and in direct continuation, "I lost no time in giving the necessary orders to prevent the further prosecution of offensive war upon the continent of North America." If language was to be understood in its common acceptation, this certainly meant that this important fact was done since the last session, and consequently since he and his friends had left his majesty's councils; and by the same strain of language, all the other concerns mentioned in the speech seemed to take their origin from that date. This certainly was so; but he hoped and trusted it was so by inadvertancy only.

As to the provisional articles of peace with America, it was impossible for him, at this moment, to approve or condemn them, because he was utterly unacquainted with them; but he would take it for granted, that the independence, the unconditional independence of America was recognised by the first article. The great difference between him, and the present minister on that head, was, that the latter wished that the independence should be the price of peace, while on his part, he was of opinion, that no barter should be made; but that Great Britain should, in a manly manner, recognise at once that independence, which it was not in her power to check or overturn. For this he had two reasons: one was, that it would appear magnanimous on the part of England, and inspire America with confidence to treat with us, when we should set out by irrevocably granting her independence; a confidence which she could not feel, if this independence was to depend on other measures, which were not yet agreed to: his other reason was, that by a provisional treaty (to take place when France and Great Britain should have settled terms of peace with each other) the very preliminary article of which was an acknowledgment of American independence, England and America should have so completely determined all their differences, that nothing more would remain to contend for between them; the two countries might then be said

to be virtually at peace; or if America should continue the war as the ally of France, it would be a war so very like a peace, that France deriving little or no advantage from it, would be the more easily induced to think of peace, and be the less forward to propose harsh or dishonourable terms to this country. These were the reasons by which he was influenced to advise the recognition of unconditional independence; and he was the more surprised to find that ministers had been so tardy in making peace with America by a provisional treaty, when the same happy effect might have been produced months ago, if unconditional independence had been earlier offered. For his part, he was unable to account for the delay: when his majesty had given him orders to write to Mr. Grenville, at Paris, to authorise him to offer independence unconditionally to America, he obeyed the orders with a degree of pleasure, which could be equalled only by that which he felt, when he read the letter of Lord Shelburne to Sir Guy Carleton, in which the words of the letter to Mr. Grenville were recited; when he read that letter, he carried it with pleasure to the late Marquis of Rockingham, and with joy told him, that all their distrusts and suspicions of the noble Lord's intentions were groundless; but his pleasure on that occasion was not of long duration; for even before death had removed the noble Marquis from the Treasury, the Earl of Shelburne began to speak of the dreadful consequences that must ensue to this country, if America should be separated from it; and gave a decisive opinion, that the letter to Mr. Grenville, and the recital of the same to Sir Guy Carleton, were not an unconditional recognition of American independence, but a conditional offer to be recalled in certain circumstances. This gave me suspicion, said Mr. Fox, which I could not conceal; for in writing the letter to Mr. Grenville, I had chosen the most forcible words that the English language could supply to express my meaning: as far as I can recollect they were these, or exactly to this meaning: "to recognize the independence of America, in the first instance, and not to reserve it as a condition of peace." When he saw the recital of these words in the letter of the Earl of Shelburne to Sir Guy Carleton, all his doubts vanished, and he was completely relieved. What, then, must be his astonishment and torture, when in the illness and apprehended decease of the noble Marquis, another language was heard in the cabinet, and some even of his own friends began to consider these letters only as offers of a conditional nature—to be recalled if they did not purchase peace. I considered myself as ensnared and betrayed: I therefore determined to take the measure by which alone I could act with consistency and honour

—I called for precise declarations—I demanded explicit language—and when I saw that the persons, in whom I had originally no great confidence, were so eager to delude, and so determined to change the ground on which they had set out, I relinquished my seat in the cabinet, with the heartfelt satisfaction of having maintained my principles unstained, and with the prospect of being able to do, by leaving it, what I could not accomplish by remaining there. Mr. Fox said his hopes and expectations were fulfilled, just as he had apprehended and stated to that House: he had been able to persuade his majesty's ministers to the discharge of their duty, more effectually in that House, than he was able to do in a private room. Thank Heaven the measure was now taken, the deed was done, and done, he hoped, in the most effectual way, and he agreed with the honourable seconder of the address, that in doing this we gave away nothing. The independence of America was acknowledged by his majesty's ministers; and though it had been said, "that whenever this should happen, the sun of England would set, and her glories be eclipsed for ever," yet he was of a contrary opinion, and he would defend the Earl of Shelburne against any peer who should hold such language. He had set his hand to sign the independence of America, although it had been insidiously said, that "it would be the ruin of his country, and that he would be a traitor who should do it." But if any peer should dare to impeach the Earl of Shelburne for having done this, I, said Mr. Fox, will stand up his advocate—I will defend him against all such artful and insidious charges—I will hold him harmless, and protect him from the accusation of "having dared to give away the rights of Great Britain;" and pledge myself, that the recognition of the independence of America shall not be "stained with the blood of the minister who should sign it." Mr. Fox here alluded to expressions that had formerly been made use of by the Earl of Shelburne. Quitting this strain of irony, the honourable gentleman said, that the noble Earl had done this important matter even after all these sayings, and thinking as he did, that it was so wrong, and so alarming,—he could not avoid, on this occasion, applying to him a distich, which he had read in a ludicrous poet:

> "You've done a noble turn in Nature's spite,
> For tho' you think you're wrong, I'm sure you're right."

There were some expressions in the speech, which, though he did not intend to find fault with, he would have been as well pleased had they been left out; and these were the expressions of the concern felt by his majesty, at the idea of renouncing the claims of this country over America: it would

have been surely much better, had his majesty been advised boldly and manfully at once to give way to necessity, and not to express so much dejection at parting with the sovereignty over a country, which it was no longer in his power to assert and maintain; but much as he disliked these expressions, he was as much pleased with those in which his majesty indulges the philosophic speculation of prospects of future connection with America, from similarity of language, manners, religion, and laws: for his own part, he did not doubt but the day would come, when by a firm alliance between Great Britain and America, the courts of France and Spain would awake from their idle and illusory dreams of advantage, which they think will follow to them by the separation of America from the mother country; through that alliance the sun of Britain might rise again, and shine forth with dazzling lustre. But to induce America to confide in us, we should convince her, by the most open and unreserved conduct, that we mean fairly, honestly, and sincerely by her. He was always of opinion that it was not right, in our present circumstances, to think of treating with America, by way of bargain for her independence. He conceived, that the only method of acting, which was at once political and wise, was to behave with manliness and generosity; and to shew them that there was still a disposition in the government of this country to treat them with the nobleness of Englishmen. This was his idea, when he sat at his majesty's council board, and this was the conduct which he had recommended ever since he perceived that we should soon come to the necessity of recognizing their independence, either with grace, or by compulsion; but he was afraid that ministers would act in such a manner as to create suspicions, even where they meant to act honestly. For instance, in the Secretary of State's letter to the Lord Mayor, the colonies were very properly stiled the United States of America; and as he made no doubt, but in the provisional treaty they were so declared, he expected to have heard them called by this name in his majesty's speech; and the disappointment he felt on that occasion gave him the more concern, as he perceived there was even now a backwardness publicly to avow and acknowledge, what he trusted and hoped was already done in the treaty — the independence of America. Surely, if it was thought proper to call them by their proper name, in the letter of the Secretary of State, it would not have been unfit to call them so in the speech; surely his right honourable friend did not mean to defraud his master of the merit of conciliating the hearts of the Americans, and binding them to this country by expressions of grace and kindness. He was sorry that his majesty's ministers had not advised their royal master to

make use of language more dignified and becoming, than that which they had put into his mouth.

He was sorry that the speech held out no prospect to this country of alliances to support her, in case she should be obliged, by the unreasonable exactions of France, to continue the war. He hoped there was no neglect in so important a branch of a minister's duty, as that of making friends and allies; and yet he could not think, that if we were at this moment without friends, it was for want of a good disposition towards this country in some of the most powerful states of Europe. It was true, that while the old ministry were at the head of affairs, there was not the least ground for hope that any power would make common cause with a country that was ruled by madmen; but he was surprised that, when the nation had come to its senses, and driven these madmen from the cabinet, the friendly disposition of some of the great courts of Europe to England had not been courted with success. He himself had not been long in office; but, short as the time was, it was long enough to convince him that England was not destitute of powerful friends in Europe, whose friendship might have been cultivated with success, and improved to the great advantage of this country.

Peace to him appeared a most desirable object; but much as he wished for peace, he certainly would not go the lengths to obtain it which the honourable member who had seconded the motion seemed willing to go: what that honourable member had said on the subject had cast a melancholy gloom upon his mind; and he hoped that it was more from imagination than from information that he spoke: no man felt more the deplorable situation of the country than he did; but he did not think that the most effectual way to incline the enemy to a disposition towards a favourable and equitable peace, was to tell them that we were so completely reduced that no terms could be too hard for us to digest; that our resources were so dried up, that economy could scarcely enable us to bear up under the heavy burthen heaped upon our shoulders; nay, that parsimony could scarcely do it; and that hardly any thing short of avarice could save us from sinking; he himself was not sanguine in his hopes of finding great resources in this country; but he was not yet so desponding as to say, that he would not rather carry on the war still longer, than submit to a dishonourable peace: it was not, indeed, to be expected, that we could treat advantageously; but our situation was not so desperate as that we ought to accept of dishonourable or unreasonable terms: before the provisional treaty with America, we had four powers to contend with; but as he must from the signing of the treaty pronounce the

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American war to be at an end, so he thought we ought to derive fresh courage, when we should be able to spend in operations against the three remaining hostile powers the four or five millions that used to be spent on the continent of America: for he thought that the provisional agreement, if it did not actually give us peace with America, would give us something so like a peace, that we might freely employ the troops now in America against the other powers.

The honourable seconder was not satisfied, it seemed, with the idea of subscribing to any terms of peace, merely for the sake of getting peace; but he consulted the durability of it, and seemed ready to sacrifice every thing in order to make it lasting: now, he was of a different opinion; for in making a disadvantageous peace, he would not for a moment think of its durability, but attend solely to the object of availing himself of the opportunity afforded by the cessation from hostilities, to cultivate the friendship of some of the great powers of Europe, and to make such alliances as would enable him to go to war again with greater prospect of success. The honourable member, after praising the conduct of General Elliot and Lord Howe, in their gallant defence and relief of Gibraltar, threw a gloom over the minds of all who had heard him, by hinting at the possibility of this important fortress being about to be ceded to the enemy. He could not easily express how much he was struck with this alarming hint, and he hoped that in this he spoke merely from speculation, and not from authority; for the possession of that fortress and harbour was invaluable to this country, though some people of late affected to say, that it was of no farther use to us. In former wars its value was often felt; and if, in the present war, the old ministry had not been as dastardly as they were mad, perhaps all the calamities of this war might have been prevented. If a fleet had been stationed there in time to watch the Mediterranean, Comte d'Estaign never could have got to America, to give that assistance to the colonies, which had since secured to them their independence; but the misfortune of this country was to have ministers at that time, who, while they spoke in the most lordly terms to America, and insisted that she should be reduced to unconditional submission, were endeavouring to cajole the court of Spain; and refrained from sending out a formidable fleet to Gibraltar, because they conceived that the King of Spain would take umbrage at seeing a fleet in the Mediterranean: but had the measure been adopted, there would have been little reason to be apprehensive of any bad consequences from his resentment, for then we should have had it in our power to prevent the evil that a union of the fleets of France and Spain

must always threaten this country with. To cajole an enemy was surely not the way in which a powerful and wise nation would seek their security. They would break their strength; they would crush their rising efforts; and a sagacious ministry would always employ Gibraltar in dividing France from France, Spain from Spain, and the one nation from the other. But though this measure was not adopted, from which the most solid advantages would have flowed, still it must be admitted, that even in the present war, Gibraltar had been of infinite use to this country, by the diversion of so considerable a part of the force of our enemies, which, employed elsewhere, might have greatly annoyed us. But, said the honourable member, "Spain having seen the folly of attempting to reduce that fortress, may never again be tempted to invest it, and therefore it may never again occasion a diversion of her force." This was a mode of reasoning that experience did not seem to justify; he had, in general, too great a respect for princes to speak lightly of them: but there might be near the heart of every prince a longing after something which could not be removed but by the attainment or possession of that something; a thousand disappointments might not be able to convince him that his longing could never be gratified. Those who knew the history of this country for the last nine years would be ready to agree with him, that it was not easy to convince men of their follies, even when they were proved to be so. We had in this country continued for eight years the war in America; and yet the misfortunes of each preceding campaign, which ought to have made us wiser, by convincing us that we were engaging in a ruinous pursuit of an object which we could never attain, had not till lately wrought that effect: and what should hinder us from thinking that the King of Spain might not persevere zealously in the longing for the reduction of Gibraltar, as a Prince nearer home was taught to pant after the phantom of unconditional submission from America? The fortress of Gibraltar was to be ranked among the most important possessions of this country; it was that which gave us respect in the eyes of nations; it manifested our superiority, and gave us the means of obliging them by protection. Give up to Spain the fortress of Gibraltar, and the Mediterranean becomes to them a pool, a pond in which they can navigate at pleasure, and act without control or check. Deprive yourselves of this station, and the states of Europe, that border on the Mediterranean, will no longer look to you for the maintenance of the free navigation of that sea; and having it no longer in your power to be useful, you cannot expect alliances. The honourable gentleman talked of the cession of this important fortress on a prin-

ciple the most delusive. Because it was a possession dear to the enemy, the object of their ambition and their pride, he would yield it to them, as the means of preventing future wars. This was a maxim the most delusive that could be; and the honourable gentleman ought to know that generalities might in all cases be carried too far. If you govern yourselves by this maxim, there will be no end to cession, because there will be no end to desire. Ambition is a vice which grows like avarice from what it feeds on; and the honourable gentleman must be strangely ignorant of the ambition, avarice, and lust of human governments, if he thinks that the possession of Gibraltar, because it is the immediate object of the court of Spain, would prevent them from forming new desires, which they would endeavour to gratify by new wars. If you teach them that war induces you to cession, there is not a doubt but they will go to war. The true policy, therefore, is to teach them that you will not gratify passion so pursued; that you know there is no economy in cession; and that it is wiser and more for your interest to continue expensive wars, than by unwise and foolish concessions to purchase a temporary peace, neither safe nor honourable. The honourable gentleman may talk of the durability of peace, said Mr. Fox, but I can never think it wise to pay much regard to that prospect. The inconsistency, the weakness, and the passions of human governments will in all time continue to tear asunder the bands of civil concord; and no gratification, no accession, no dismemberment of empire, no good fortune, no calamity, will induce kings to sit down contented with what they have acquired, or patient under their loss, but after a little breathing time they will again rise into outrage, offence, and war. In negotiating a peace, therefore, he would rather stipulate for the advantages, than the durability of it, sensible that its duration must depend on contingencies not at all within his power to reach.

Having said so much on what the honourable gentleman had thrown out about Gibraltar, and the principle of concession, he would not take upon him to say, that in no possible situation the fortress of Gibraltar ought to be bartered, or given up. But if, after all this, it should be determined to give up Gibraltar, he would advise ministers not to attempt to sink the value of it, but to rate it as high as it ought to be, and then make the best bargain that they could, either by getting the most money for it, or exchanging it for a valuable and adequate consideration. And here he would take an opportunity to express his hearty concurrence in that part of the address which replied to the honourable mention made by his majesty of the defence and relief of Gibraltar: the conduct of

General Elliott would immortalize his name; and the latest posterity would be at a loss which to admire in the hero most, his gallantry in repelling the various attacks, or his humanity in saving from impending death the enemy he had defeated. He had combined qualities the most uncommon, and had risen almost superior to every precedent of reality. We could only seek for his image in the chronicles of romance, where heroes were painted in a stile of colouring superior to human nature. The noble lord who had relieved the garrison was almost above praise; in the sight of a superior force he threw relief into Gibraltar; and then, he would not say he had insulted, because he did not wish to use hard words, but he braved the united fleets of France and Spain. Could he do more? If any one in this House, (said Mr. Fox, looking at Governor Johnstone,) thinks he could, let him speak out, and charge the noble lord. If there is any man who has accused him in public or in private circles, in anonymous slanders, or in pamphlet attacks*, let him now come forward and speak his sentiments. It was not in England only that the character of Lord Howe was admired: a foreigner of distinction had written from Paris in the following terms. "Every one here is full of admiration at the conduct of Lord Howe. All praise his bravery and humanity. All wish to take his conduct for their example. This makes us think, that in your country a court martial will be appointed to try him whenever he arrives in England." And here it was but decent to give that tribute of applause which was so justly due to the present Admiralty. He had often spoken in desponding terms of the state of the navy, when it was surrendered up by the last Admiralty; but desponding as his language was, it did not express half the despondency he then felt: what, then, must have been the exertions of the noble Lord now at the head of the naval department of government, when he had fitted out a fleet that was able to brave the combined fleets, from which we used in preceding campaigns to fly? It had been the astonishment of Europe, and had given such advantages and brilliancy to the present campaign, as would and ought to be felt in the making of a peace.

He next touched upon the present cabinet, and observed, that though he disliked its construction, there was some of its constituent parts against which he could have no objection; for he knew that though one member of the cabinet might promise a great deal more than he intended to perform, there were

* Alluding to a letter signed "Nauticus," supposed to be written by Governor Johnstone.

others who would hold him to the performance of his promises: as to himself, he believed he really was of more service out of office, and debating in that House, than he could possibly have been if he had remained in the cabinet; for he found that those measures, which, while in office, he recommended in vain to the council, were readily adopted when he laid down his employments.

He was entirely of the opinion of the honourable gentleman who seconded the motion, that a peace was to be procured if possible; but surely the minister knew that he had the means of supporting war. The number of men whom he found "riding in hackney coaches, crowding the streets, and travelling the Bath road," shewed him that the nation was not exhausted of resources, but had yet the means of supporting the war, in case our enemies should be disinclined to an honourable and fair peace. He was for peace in preference to war. It was not the policy of this nation to go to war for territory, from the lust of more dominion, or the love of power. He would be as moderate in his desire of new acquisitions, as he would be determined in his resolution to keep what we have.

He adverted to the reports of large voluntary gifts to government by private individuals. He said, he admitted and admired the public spirit and generosity of the persons who made the offers; but he begged leave to lay in his protest against their legality; and he conceived that the compliment paid to them in the speech was ill judged and improper. He conceived, that according to our constitution, no money could be received by the executive branch, and applied to the public purposes of the nation, which did not pass through the hands of parliament, and had not the sanction of the Commons of England. Such aids were contrary to the very essence of our constitution; for by such benevolences, government was entrusted with money which came not under the check and controul of parliament. This question had been agitated some time ago in that House, brought on by an eminent lawyer, now a member of the other House, and one of his majesty's cabinet counsellors, (Lord Ashburton,) by whose arguments he was thoroughly convinced of the illegality of benevolences, and gave his vote on the question accordingly.

He hoped and believed, that the prospect held out in the speech, of attention being to be paid to our East-India concerns, would not be delusive. He deemed the national honour pledged in this business; and he trusted it was not intended by any sophistry to depart from the resolutions already come to concerning it. The learned lord advocate, (Mr. Dundas,) who had been indefatigable in pursuing this business, had received his countenance and support while in place, and

he trusted that no change * in either of their situations would occasion any difference of sentiment and conduct.

He assured ministers that he did not mean to give them any wanton opposition. He would support them as far as he could with honour and duty; and however he might object to the constitution of the administration, and however he might suspect the sincerity of some among them, yet he could not think that any thing very hostile to this country could be formed, while he saw in that cabinet some men of whose virtue and integrity he entertained so high an idea.

He concluded with taking notice of something that fell from Mr. Yorke, with respect to the reformation in public offices, and the distress it would bring on individuals if their salaries were not continued during their lives. He was sure his honourable friend who first brought about these reformations did not mean that any person should suffer by them; that the intentions of his honourable friend had been greatly mis-represented in that particular; and if such cruelties were intended, they were to be ascribed to those who had the execution of the arrangements. He trusted, he said, that he should soon see the provisional articles laid upon the table; till which time he begged to be understood, that the vote which he gave on that day, he gave in the persuasion that those articles contained a full and final renunciation of the independence of America: and he begged also to be understood that he pledged himself to no other object than that, nor possessed any high opinion of the other parts of the speech, delivered that day from the throne.

The address was agreed to by the House without any division. On the following day, when the report from the committee appointed to draw up the said address was read,

Mr. Fox rose. He said, that a doubt struck him as well as others, with respect to one thing, which he hoped his majesty's ministers would now explain, if they could do it consistently. The question which he wished to ask was, Whether the provisional treaty concluded with America, by which the independence of America was no doubt fully recognized, was done unconditionally; so that if the negotiations now carrying forward with France for a general peace should not be brought to a speedy determination, still the provisional agreement would remain in force, and whenever we should have a peace with the European powers, this agreement would be finally

* Mr. Dundas had recently been appointed Treasurer of the Navy.

ratified? If this was the case, he approved of the vote which he had given; but if it was otherwise, if this provisional treaty depended on the present negotiation, and was to die with it, then he revoked the approbation which he had given, and held himself at liberty to declare, that such an agreement would be mad and impolitic. We should, by that means, have nothing in the shape of peace with America, but should go on in eternal war. This was his clear, decided opinion, and he should retract every syllable of praise he had given to the measure if he found it had been done in this way. His reason for asking this question was, that he had heard a different explanation had been given of the provisional articles in another place, and it was a matter of the utmost moment that it should be clearly and fully understood before they ratified their consent to the address. One thing more he would take notice of now that he was upon his legs. It had been said of him in the debate yesterday, that he had always been a friend to the independence of America. This was not the case. He had all along considered the independence of America as an evil of great magnitude, and as such he had always spoken of it. But when America became independent, which in his mind she had been absolutely for the last five years, he had declared his wishes for the recognition of their independence as an act salutary and seasonable for the legislature of this country, by which we might do that with grace which we must at last do without it, and thereby conciliate and restore harmony between the two countries. He repeated the question which he had put to ministers with respect to the provisional agreement which had been, he said, the principal purpose for which he had risen.

In consequence of this appeal Mr. Secretary Townshend, Mr. Chancellor Pitt, and General Conway, the Commander in Chief, severally rose and declared, that the articles were only so far provisional, that they depended upon the single contingency of peace being concluded with France: but whenever that event took place, the independence of America stood recognized without any reserved condition whatever.

Mr. Fox's Motion for such of the Articles of the Provisional Treaty with America, as relate to the Recognition of the Independency of the United States.

December 18.

THE contrariety of opinion amongst the members of the cabinet, which discovered itself in the preceding debate occasioned a second debate in the House of Lords. On the 13th Earl Fitzwilliam remarked, that these contradictions being public and notorious, might lead to consequences of the utmost importance, and therefore demanded an immediate explanation. During the progress of negotiations with artful and jealous enemies, every appearance of duplicity, or even ambiguity in our councils, ought most anxiously to be avoided. In order, therefore to rescue government from the suspicions under which it lay; in order to satisfy the country that the subjugation of America could not, under any possible circumstances, be again attempted; in order to secure confidence to administration both at home and abroad, he begged leave to propose the following question to the noble earl at the head of his majesty's treasury: "Is it to be understood that the independence of America is never again to become a subject of doubt, discussion, or bargain; but is to take effect absolutely at any period, near or remote, whenever a treaty of peace is concluded with the court of France, though the present treaty should entirely break off? Or, on the contrary, is the independence of America merely contingent; so that if the particular treaty now negotiating with that court should not terminate in a peace, the offer is to be considered as revoked, and the independence left to be determined by circumstances, and the events of war?" To the question thus put, the minister positively refused to give any answer, and was supported by the Dukes of Richmond and Chandos. It was urged in vain, that he had already, on the first day of the session, avowed his sentiments in a full and explicit manner; that the present question was only put on account of doubts that had arisen from the contradictory assertions of others of his majesty's servants; that it was the language of ministers, and not the secrets of the treaty, of which an explanation was desired; that the fact must necessarily be known to all the parties concerned in the subsisting negotiations; that it was a secret to the British parliament alone; and that no possible mischief could arise from his giving the satisfaction required. The Earl of Shelburne persisted in his refusal; declaring that the whole house should not force an answer from him, which he conceived he could not give without violation of his oath as a privy counsellor. Declaring war and making peace, were, he said, the undoubted prerogative of the crown, and ought to be guarded from all incroachment with the

most particular care. If the popular parts of the constitution thought themselves better adapted for carrying on negotiations of this sort, he would advise them to go to the King at once, and tell him that they were tired of the monarchical establishment, that they meant to do the business of the crown themselves, and had no farther occasion for his services. No man, he added, could be more anxious than himself to have the world know what he had done, and to receive the judgment of parliament and of the people of England upon his proceedings; and that for this purpose, so soon as prudence and policy should warrant, he would not lose a moment in laying the treaty before them. With respect to the assertion that had so frequently been made, that no mischief would arise from giving the answer required, he said it was a little extraordinary that those who knew not what the treaty was, should be so positive in declaring there could be no secrets in it, whilst those who did know its contents as positively asserted there were.—On the 16th Mr. Fox gave notice of his intention to move, on the first convenient day, for the provisional treaty to be laid before the house, or such parts of it as related to the recognition of American independence. At the same time, as a proof that he had no design to embarrass government, or throw any impediment in the way of the minister's negotiations, he declared that if the secretary of state would pledge himself to the house, that the treaty in question contained particulars, which, if discovered earlier than the moment ministers might choose for laying it before parliament, would be attended with mischievous consequences, and materially affect the negotiations then carrying on, he would desist from his purpose altogether. The minister refusing to pledge himself in the manner proposed, on the 18th,

Mr. Fox rose to make his promised motion. He said, that no two things upon earth could be more opposite to each other than the explanation given to the same treaty by his majesty's ministers in one place, and a minister of his majesty in another; for while the former had fairly and roundly declared the treaty with America to be final, conclusive, and irrevocable; the latter as roundly asserted the very contrary. He adverted particularly to what the Earl of Shelburne had said on the sacredness of secrecy in this case. With what little deference did that noble person treat his colleagues! They had fairly answered all these questions; and if to answer them fairly was to betray his majesty's secrets, and to violate the privy counsellor's oath, the noble lord must of course look upon his colleagues as perjured men, and betrayers of their trust. It was a most convenient thing indeed for a man to have a conscience, behind which he could shelter himself from whatever he did not like to face: the noble lord could not have acted more wisely than when he had recourse to his oath; and a confessor could not have given a better advice: one might have imagined, indeed, that the noble lord had drawn up a

case of conscience, and submitted it to a casuist; there was an affectation in ministers, notwithstanding the diversity of opinion that visibly prevailed among them, to have it thought that they were all perfectly unanimous. But how stood that unanimity? They might indeed have all concurred in making a particular treaty; but did they all agree in the interpretation of it? Not at all: the noble lord who was supposed to have the greatest influence in his majesty's councils suffered his colleagues to explain as they understood: but he thought it proper to assume to himself the same liberty; as he understood it differently, so he explained it differently: all reasoning men must allow, that unanimity in agreeing to a treaty was of little consequence, when compared to unanimity in the interpretation of it: the words of the treaty were of themselves of little consequence; that which was truly consequential, was the interpretation or construction put upon those words by those who were to execute the treaty, and act upon them: a man might differ in opinion from another, and yet might sacrifice his opinion for the sake of unanimity, when there was a question of adopting some particular measure; but when a measure was adopted, to differ about the meaning of that measure, this was the division, this was the difference that he thought of the most dangerous nature to the public. To exemplify this, in a case in which he was concerned; he stated the Earl of Shelburne's letter to Sir Guy Carleton, in which the independence of America was declared to be a measure, to which his majesty's commissioners were instructed to subscribe unconditionally;—from that moment he rejoiced beyond expression, and would have been happy, if he had been at liberty to shew this letter to those who used frequently to intimate their suspicions to him that the noble earl would never consent to recognize the independence of America; how easily could he, if he had been at liberty, have silenced their complaints, and dispelled all their doubts! But what must have been his surprise, if after so full and ample a declaration made by the noble earl in his letter, he had afterwards found him endeavouring to explain it away? What confidence could the other powers of Europe place in the ministers of this country, when they found that how unanimous soever they might be in agreeing to a measure, they never could be brought to hold the same opinion when the purport of that measure was to be explained? What must Europe think of us, if after he had informed all the foreign courts, that we were about to recognize unconditionally the independence of America, they should find that his colleague in office, who had concurred in the measure, explained it in the most different manner? In Mr. Secretary Hamilton's letter, the Lord Mayor of Dublin, and through him

the people of Ireland, were informed that the independence of America was finally recognized by England, in a treaty which was to take effect between the two powers, whenever we should make peace with France. Could any terms be more strong? The independence being finally recognised, it was with propriety that the Lord Lieutenant, speaking of England and America, had called them these two powers; but how must his Excellency feel, how must the people of Ireland feel, when they hear, in contradiction to his Excellency's letter that the first minister of this country has declared, that the independence is not finally recognised; for that as the treaty in which it is recognised is revocable, the independence is only conditional, and of course not finally recognised! To come to a full eclaircissement on this subject, it was his wish to see the treaty itself; and as the House would barely desire to have the treaty, the noble earl need not be alarmed for his conscience; he might produce the articles, and keep his meaning to himself; the House of Commons would put a construction upon them themselves, which could not in future be explained away by any minister. If there was any part of the treaty which ministers would undertake to say, could not, in their opinion, be disclosed without danger in the present state of the negotiation, he would not press the motion he intended to make: there always was a willingness or bias in the House to support government, and he would call that bias laudable; and shew he felt it in himself, by withdrawing his motion, if ministers would assure him that there were parts of the treaty that were not yet ripe for disclosure. He had heard it reported, that there were in the treaty with America, secret articles unknown to France, and known only to England and America; he did not desire to see these articles; nay, to be candid, he would not even desire that ministers should say there were any such. In a word, all he wished to learn was, whether there was really a subsisting treaty with America, which should survive the present negotiations with France, though they should not end in a peace? This being a reasonable curiosity, he expected support in his motion, though he courted none: he did not know whether he might expect the support of the noble lord in the blue ribbon, who, in a strange mode of reasoning, brought himself to vote with ministers, because they did not agree with one another. If his motion should be adopted, the House would then be able to judge for themselves, whether the independence was, as he hoped it was, unconditional and irrevocable. He then moved, "That an humble Address be presented to his majesty, that he will be graciously pleased to give directions, that there be laid before this House, such parts of the provisional articles, agreed upon

between his majesty's commissioners and the commissioners of the United States of America, as relate to the recognition of the independency of the said States."

The motion was supported by Lord John Cavendish, Lord Maitland, Mr. Hartley, Mr. Byng, Mr. Burke, and Mr. Sheridan; and opposed by the ministers and their friends as unseasonable and unnecessary. Mr. Thomas Pitt moved the order of the day. General Conway, the commander in chief, at the close of the debate, observed, that the motion had not met with the concurrence of the House, and he did not think the mover would dare to take the sense of the House upon it, as he knew that he should be attended into the lobby by so small a minority.

Mr. Fox entered into a full examination of all that had been said in answer to his arguments, and in objection to his motion. That he dared not to take the sense of the House, he said, was language that he did not expect to hear from the right honourable gentleman. That the smallness of a minority was a proof of the weakness of the cause, was a proposition he thought would not have been advanced by that right honourable gentleman, after the many hard trials and severe struggles they had had to cure that House of their love of the American war. He commented on his declaration, that there was no material difference in the language of his majesty's ministers on the nature of the provisional treaty. It was one of the slight differences then, which that right honourable gentleman regarded as immaterial; it was no more than the independence or dependence of America. It was no more than whether the mad scheme of subjugating America was abolished or not; and this was what the right honourable gentleman, with his wonted facility and accommodation, called a slight, immaterial difference. The right honourable gentleman, said the American commissioners were pleased with the treaty. With the treaty were they pleased, or with the explanations of it? With both explanations they could not be pleased undoubtedly, and it was for the purpose of affixing to it a certain, specific, absolute, and unchangeable meaning that he desired to see it on the table. Mr. Fox went pretty much into the enumeration of the advantages to be reaped by its exposure, the first and greatest of which was, that when the American people came to see that the recognition of the independence of America was ratified by the legislature, all doubts would vanish; all jealousies would expire; the bond which tied them to France would lose its energy; and if that hostile and ambitious power did not become moderate in its demands, America would agree to a separate peace. He laughed at the idle nonsense of danger, if the

treaty was unequivocal. He confessed, that ministers had on that day most implicitly obeyed the injunction they had received of silence; for though they had spoken, he defied any man to explain what they meant. In the king's speech there breathed a pious hope that the similarity of language would be a bond of union between Britain and America. If this was true, as he trusted it was, what shameful policy it was in the king's ministers to use language which, whether it was English, or whether it was French, or whatever tongue it might be, it was what no mortal could understand. They would destroy the advantage of similarity of language. The French might communicate through the medium of a sworn interpreter; but the Earl of Shelburne objected to all sworn interpreters, and insisted that they should use words to which no meaning could be affixed of any kind whatever. Mr. Fox most anxiously hoped, that the conduct of ministers on that day would not give such distrust to nations, as to prevent their gaining an honourable peace for their country. That was the first great object of his heart, and his motion for the production of the treaty, flowed from a sincere conviction, that it would facilitate that great end.

The House then divided on the motion for the other order of the day:

	Tellers.			*Tellers.*	
Yeas	Lord Mahon, Mr. Orde	219.	Noes	Mr. Byng, Mr. Long	46.

Mr. Fox's motion was consequently rejected.

Bill for removing Doubts concerning the exclusive Rights of the Parliament and Courts of Ireland in Matters of Legislation and Judicature.

January 22. 1783.

When the matter of establishing the legislative and judicial independence of the kingdom of Ireland was under the consideration of the late ministry, two ways of doing it had occurred. The one, by a renunciation of what this country held to be a right, but which it was ready to give up. This mode, however, it was foreseen, might give offence to the people of Ireland, who contended, that England never had any such right. The other mode was by declaring that England, though it had exercised, had never been legally possessed of, such a right: but to this mode of

renunciation it was justly apprehended that the parliament of Great Britain would not be brought to consent. The measure of a simple repeal of the declaratory act of the 6th of Geo. I. was therefore moved by Mr. Fox, and adopted, as most consistent with the spirit of the people there, and the dignity of government here: and though some leading men in Ireland seemed to think that an absolute renunciation was necessary; yet an address was carried there through both houses, with only two or three dissentient voices, expressing their perfect satisfaction, and declaring that no constitutional question between the two countries would any longer exist. After this the parliament of Ireland proceeded, in the exercise of their legislative capacity, to enact laws for regulating their judicial proceedings, and for confining the decisions of property to their own courts of law, with power of appeal to the House of Lords of that country only. Things were going on in this amicable manner, when a cause that had been removed by writ of error from Ireland to the Court of King's Bench, long before the repeal had been in agitation and which the judge, by the rules of the court, was bound to determine, was brought to a decision. In consequence of this unlucky accident, Colonel Fitzpatrick, on the 19th of December, called the immediate attention of ministers to the insufficiency of the repealing act; and on the 22d of January, 1783, immediately after the Christmas recess, Mr. Secretary Townshend moved for leave to bring in a bill "for removing and preventing all doubts which have arisen or might arise, concerning the exclusive rights of the parliament and courts of Ireland, in matters of legislation and judicature, and for preventing any writ of error, or appeal, from any of his majesty's courts in that kingdom, from being received, heard, and adjudged in any of his majesty's courts in that kingdom.

Mr. Fox rose, not, he said, to oppose or censure the present motion by any means. It might appear to some men's minds extremely inexpedient; to others it was evidently right, and indicated a degree of necessity of which, however, for one he was clear to own he did not see the ground. But as a measure, of which he did not perceive any either very good or bad consequences, he would not give it an opposition; at the same time, he trusted no member would consider it as resulting from what had passed in that House last year relative to the affairs of Ireland. Whoever would now come forward, and arraign that wise, salutary, and important measure, as producing grievances which now required the interference of the legislature, he would deliver it as his opinion, did not understand the business. He had every reason to be convinced, as he certainly was in the fullest manner, that the measure to which he alluded occasioned general satisfaction throughout Ireland. It was impossible but it must have been as he had stated it. Did the requisition of Ireland extend to a single point which had not by the British parliament

been granted to them, and granted to them in the most unequivocal and explicit terms? Did not the repeal of the act of the 6th of George I. demonstrate that this country was far from claiming any jurisdiction over them? Was not this repeal most happily connected with a variety of circumstances which went to the same effect? Had his majesty's ministers, for the time being, calculated erroneously, or proceeded on these principles, without mature consideration? Their plan was, however, sufficiently justified by the event. For what was the language of Ireland at that time? Did not the whole kingdom breathe the most heart-felt gratitude?

He was persuaded the friends of the bill proposed by the right honourable Secretary would not, therefore, impute it to that measure, or hold up the one as an amendment or completion of the other. This, in his opinion, would be acting unfairly and unjustly; as the complaints of Ireland, so far as they then went, had been, even in their own ideas, satisfactorily answered. It was true, a reference, by writs of error to the Court of King's Bench in this country, was not included in a full renunciation of her rights of supreme jurisdiction over Ireland, neither was it demanded of us by them. It was very well if their desires and petitions were granted when put. The Address, as transmitted from Ireland, fully evinced the reception which the resolves and decrees of the British legislature had met with from them. These were collected by the parliament of Ireland, who were certainly competent judges of their sincerity and expedience. The plain English, therefore, of there being still something more necessary than had yet been done, and that the doubts and discontents of the Irish were the grounds of the present motion, was, that we know what the people of Ireland think, and how they feel better than their own parliament does; and though their parliament should think them pleased, we know they are not; they are full of doubts and diffidence, in so much that an act of the British legislature is still necessary to allay their fears, and persuade them that our intentions are sincere and liberal. He thought this a strange mode of reasoning, but was sorry no other could well account for the present motion. It was, in his apprehension, doing violence to human nature, as he was certain confidence could never result from any exertion of the legislature. It was, in its own nature, voluntary. A profusion of professions never had, and he would venture to predict, never would, either produce or confirm it. It did not become an English parliament to interfere about the appeals in matters of right, by writs of error. This was, in his opinion, competent only to the parliament of Ireland, who, by

the repeal of the 6th of George I. were virtually invested with full powers to regulate every domestic inconvenience according to their own discretion, without the controul of any power on earth. This they had actually done, and a bill for the purpose had received the royal assent. Any thing farther did not, therefore, strike him, as in the smallest degree essential either to their general content or convenience. It was not his design to go farther into the business. He was led thus far from the tone adopted by the several honourable gentlemen who had already spoken. Ill as some might think it became him, he notwithstanding would hazard one piece of advice to his majesty's ministers; this business must have an end some time or other; and the question now was, how should they draw the line, and where would it be possible for them to stop? It was madness to imagine, that any measure whatever could not, and would not be cavilled at. The people of Ireland, like all other people in similar circumstances, would speculate on public affairs. But surely all rumours were not objects of sufficient importance to interest the attention of that House, or when they did, no man could imagine that any statute, or preamble to a statute, or form whatever, would totally suppress them. But the honourable gentleman begged he might not be misunderstood on the other side of the water, as if he retained any wish to support the supremacy of Great Britain. His sentiments on that head were well known. He only wished that ministers would come to the resolution of making a stand somewhere, that they would take the most permanent station, and by their conduct put it out of the power of party, prejudice, or any other bad principle, to misrepresent their meaning, or doubt their sincerity. Reason, equity, justice, and expediency, were motives which could never be mistaken: and whenever they assumed these for the grounds of their system, it would prove a solid and effective one. But he trusted no latent designs against the rights and liberties of any subjects to the crown, would ever be seriously imputed to a British ministry. He vowed to God he would rather relinquish the dependence on the crown of England altogether, than see them subjected to it by force of arms. There was a point, he had always seen, where we ought to have stopped with America. This might serve as a warning how we let ourselves down, or lessened the dignity and consequence of parliament, by bringing matters under its cognizance which were beneath its attention. He was therefore not a little anxious that an end should be put to this kind of business, and that it might be sufficiently understood on both sides of the water, that the English parliament had come to some final resolution. It had been frequently imputed to him, that his oppo-

sition was rather to men than measures. He had wished to meet that idea, as he frankly confessed himself not endowed with such talents as were sufficiently calculated to distinguish between men and measures. Most people, of whom he was one, were very apt to judge of the actions by what they knew of the man. This business had been very fully discussed last year, and those nearly interested had signified the most perfect and entire acquiescence in the determination of the British legislature. Many circumstances conspired to fill them with confidence in those who then had the management of government. He would declare openly, because he declared it from the fullest conviction of the fact, that there never was a government in Ireland conducted on more upright and popular principles, than that conducted by the Duke of Portland. While he was there, the country was at least free from dissention and uproar. But now, since another government had taken place, rumours of destruction were industriously circulated. The terms prescribed by Ireland, and acceded to by Britain, were all at once inadequate to the satisfaction of her subjects. The wisest and ablest people on that side the water had been consulted; and the ministers who were then in the Cabinet, acted on their information and ideas. The honour of these gentlemen had been hitherto deemed unimpeachable and unblemished, and yet here was a measure agitated which supposed a material miscarriage somewhere. And the address to the people of Ireland, was in words somewhat to this effect: "Your friends have not by any means done by you so liberally as we will. You think they have done you justice; but you are mistaken, and we will do what you imagined they did." This, he said, was making themselves popular at the expence of those who had gone before them, and, by doing more than was necessary, saying their predecessors had done less. It ever had, and was still, his confirmed opinion, that, by repealing the statute of the 6th of George I. every thing was amicably settled. It came up, at least, to all that he had ever conceived as incumbent on this country to Ireland. The repeal was simple, but it was decisive. It would not have been proper to have said, in so many words, that whereas Ireland has been so long under the jurisdiction of this country, be it therefore henceforward declared independent. This was not language that would have been relished by the people of Ireland; nor on the part of Great Britain was it decent to say, that whereas she had usurped rights which were not hers, she, therefore now, and for ever, restored them to their lawful owners. But by an actual repeal of that act of the legislature by which such pre-

rogatives had been assumed, she certainly, and to all intents and purposes, relinquished every shadow of jurisdiction and supremacy. He was not, however, disposed to raise any opposition to the motion; only he would protest against its drawing along with it any of the constructions he had specified. It was chiefly for this reason, and with this view, he had made it the subject of so much remark. He agreed, that something ought to be done with Mr. Yelverton's bill, in order to settle the commercial points: and he concluded with wishing his majesty's ministers would not, in any other part of their conduct, render themselves more reprehensible than they had done in this.

Leave was given to bring in the bill, which afterwards passed into a law.

Address on the Preliminary Articles of Peace.

February 17.

THE preliminary articles of peace between Great Britain and France, and between Great Britain and Spain, were signed at Versailles on the 20th of January; and on the 27th copies of the same, and of the provisional treaty with the United States of America, were laid before both houses of parliament, and after a short debate, ordered to be printed. Monday, the 17th of February, was appointed for taking them into consideration; and in the intermediate time several motions were made for such papers and documents as might assist the House in deciding on their merits. On the day appointed upwards of four hundred and fifty members were assembled. After the papers were read, a motion was made by Mr. Thomas Pitt, and seconded by Mr. Wilberforce, "That an humble address be presented to his majesty, to return his majesty our most humble thanks for having been graciously pleased to lay before us the articles of the different treaties which his majesty has concluded, and to assure his majesty that we have considered them with the most serious attention. To express the great satisfaction and gratitude with which we perceive that his majesty, in the exercise of the powers which were intrusted to him, has concluded provisional articles with the States of North America on such principles as must, we trust, lay the foundation of perfect reconciliation and friendship with that country. That, impressed with these sentiments, we cannot forbear particularly to lay before his Majesty our [illegible] and just expectation that the several states of North America will, in the [illegible] manner, carry into execution

those measures which the congress is so solemnly bound by the treaty to recommend, in favour of such persons as have suffered for the part they have taken in the war, a circumstance to which we anxiously look as tending to cement that good-will and affection which we trust will uniformly mark the future intercourse between us. And to assure his majesty, that we are sensible of his wise and paternal care for the welfare and happiness of his subjects, in relieving them from a long and burthensome war, and restoring the blessings and advantages of peace, by the preliminary articles agreed upon with the courts of France and Spain. To assure his majesty, that we indulge the most sanguine hopes, that his subjects of Great Britain and Ireland will successfully apply their attention to cultivate and improve by every possible means their domestic resources. That with these views we shall apply ourselves to a revision of our commercial laws on the most liberal principles, and in a manner adapted to the present situation of affairs, for the purpose of extending our trade and navigation on the surest grounds, and diligently providing for the maintenance of our naval power, which can alone insure the prosperity of these kingdoms." — An amendment was moved by Lord John Cavendish, by leaving out from the words " and to assure his majesty, that," in the first paragraph, to the end of the question, in order to insert these words, " his faithful commons will proceed to consider the same with that serious and full attention which a subject of such importance to the present and future interests of his majesty's dominions deserves: that, in the mean time, they entertain the fullest confidence in his majesty's paternal care, that he will concert with his parliament such measures as may be expedient for extending the commerce of his majesty's subjects. That whatever may be the sentiments of his faithful commons on the result of their investigation of the terms of pacification, they beg leave to assure his majesty of their firm and unalterable resolution to adhere inviolably to the several articles for which the public faith is pledged, and to maintain the blessings of peace, so necessary to his majesty's subjects, and the general happiness of mankind," instead thereof. — A second amendment was afterwards moved by Lord North, by inserting after the words " Commerce of his majesty's subjects," these words, " And his majesty's faithful commons feel that it would be superfluous to express to his majesty the regards due from this nation to every description of men, who, with the risque of their lives, and the sacrifice of their properties, have distinguished their loyalty and fidelity during a long and calamitous war." The original address was supported by Mr. Secretary Townshend, Mr. Chancellor Pitt, Mr. Dundas, the Solicitor General, and by Mr. Powys, Mr. Bankes, and some other country gentlemen; the amendments by Lord North, Mr. Fox, Mr. Burke, Governor Johnstone, Lord Mulgrave, Sir Henry Fletcher, Mr. Sheridan, Mr. Adam, and also by several of the country gentlemen.

Mr. Fox took up the consideration of the important subject at great length. His situation, he said, on that day,

was peculiarly delicate. He was supposed to be actuated by motives of personal pique, and suspected of setting up an opposition to the articles of the peace on grounds of envy, of jealousy, and of ambition. Those who knew him best would not impute to him such motives; and for the opinion of those who believed every calumny that was propagated against him, he had but little concern. This, however, was not the only delicacy of his situation. Allusions were made to former opinions which he had given, and assertions he had made, in circumstances different from the present, and to which indeed they bore not the smallest affinity. It was proclaimed, as an unanswerable argument against every thing he could say, "did you not some months ago, declare that almost any peace would be good, would be desirable, and that we must have peace on any terms." If, said Mr. Fox, I could suffer myself for a moment to be so far led away by conceit, and fancy myself a man of so much importance as to excite the jealousy of the minister, I might give ear to the reports of the day, that every measure which the minister adopted, every plan which he formed, every opinion which he took, and indeed every act of his administration, was calculated and designed to embarrass me. How well might I ascribe the present peace to this motive! You call for peace, says the noble person, you urge the necessity of peace, you insist on peace; then peace you shall have, but such a peace, that you shall sicken at its very name. You call for peace, and I will give you a peace that shall make you repent the longest day you live, that ever you breathed a wish for peace. I will give you a peace which shall make you and all men wish that the war had been continued, — a peace more calamitous, more dreadful, more ruinous than war could possibly be; and the effects of which neither the strength, the credit, nor the commerce of the nation shall be able to support. If this was the intention of the noble person, he had succeeded to a miracle. His work had completely answered his purpose; for never did I more sincerely feel, nor more sincerely lament any advice I ever gave in my life, than the advice of getting rid of the disastrous war in which the nation was involved. That the minister might have other views was very probable. That he might think his situation depended upon peace; that he might think there was no other way of maintaining a disjointed system, and fixing himself in a seat, not gained by the purest means, nor supported by the firmest bottom, was very possible; and it was also very possible that in his eager pursuit of this object, he has overshot the mark, and neglected to take the steps which could alone secure the end.

But it was objected to him by the learned lord advocate,

that he who had talked of having a peace in his pocket, and who had been so confident in his declarations that peace might certainly be obtained, ought to shew that the peace which he projected was better than that which was procured. In answer to this he would inform the learned lord, that he had never said that he had a peace in his pocket. He had averred in his place in that House, that there were persons in this country, empowered by the congress to treat of peace with America. The fact was so: they had made application to noble persons, friends of his, to the Duke of Richmond, to Lord Keppel, and to Lord John Cavendish. They had authorised him to mention the fact in his place in that House; and it turned out, as he had declared, that there were persons properly authorised, and anxious to treat of peace. The learned lord called upon him to produce the peace which he had projected. This was a very loud and sounding word; but the learned lord not being a cabinet minister, was at liberty to hazard bold things, which, if he was a cabinet minister, he was pretty sure he would not do. Will any one of the king's ministers, said Mr. Fox, give me the same challenge? Will they call upon me to produce the peace? I dare them to do it: I challenge them to do it. They know what it is; they have it in the office. If it is against me, let them take the advantage of it, and hold me up as a man capable of advising my sovereign to make a worse peace, if possible, than the present.

I now come, said Mr. Fox, to take notice of the most heinous charge of all. I am accused of having formed a junction with a noble person, whose principles I have been in the habit of opposing for the last seven years of my life. I do not think it at all incumbent upon me to make any answer to this charge: first, because I do not think that the persons, who have asked the question, have any right to make the enquiry; and secondly, because if any such junction was formed, I see no ground for arraignment in the matter. That any such alliance has taken place, I can by no means aver. That I shall have the honour of concurring with the noble lord in the blue ribbon on the present question is very certain; and if men of honour can meet on points of general national concern, I see no reason for calling such a meeting an unnatural junction. It is neither wise nor noble to keep up animosities for ever. It is neither just nor candid to keep up animosity when the cause of it is no more. It is not in my nature to bear malice, or to live in ill-will. My friendships are perpetual, my enmities are not so. "*Amicitiæ sempiternæ, inimicitiæ placabiles.*" I disdain to keep alive in my bosom the enmities which I may bear to men, when the cause of those enmities is no more.

When a man ceases to be what he was, when the opinions which made him obnoxious are changed, he then is no more my enemy, but my friend. The American war was the cause of the enmity between the noble lord and myself. The American war, and the American question is at an end. The noble lord has profited from fatal experience. While that system was maintained, nothing could be more asunder than the noble lord and myself. But it is now no more; and it is therefore wise and candid to put an end also to the ill will, the animosity, the rancour, and the feuds which it occasioned. I am free to acknowledge, that when I was the friend of the noble lord in the blue ribbon, I found him open and sincere; when the enemy, honourable and manly. I never had reason to say of the noble lord in the blue ribbon, that he practised any of those little subterfuges, tricks, and stratagems which I found in others; any of those behind-hand and paltry manœuvres which destroy confidence between human beings, and degrade the character of the statesman and the man.

So much, he said, for the charge which had been made by the learned lord. He should have thought it more prudent in that learned person, before he had been so lavish in his charges, to recollect the place from which he spoke; and that he who was so warmly the friend of the noble lord in the blue ribbon, and what was worse, of the system he had pursued, was now as warmly the friend of a system very different, and not less obnoxious. But the learned lord informed the House that he would always support government, provided he approved of their principles! This he believed to be literally the case; and that he might always support government, he had no doubt but the learned lord would take care constantly to approve of their principles, whatever they might be, or whoever were the ministers.

It was also imputed to him, that he had when in office lowered this country before the States of Holland in a very unbecoming manner, and that then there appeared none of those proud thoughts, nor that high expectation which he now expressed. He had no desire, he said, to conceal what he had done with regard to the Dutch; nor if he had such a desire, would it be possible for him to gratify it. The letter which he had written was public, and all the world knew what had been his sentiments; he was therefore ready to acknowledge, that as the Dutch were undoubtedly plunged into this war without a cause, it was his idea that we ought to make them liberal offers of peace. Such offers were made: but they not only rejected them, but made such haughty demands, that the policy of the thing was changed; and he and his friends no longer thought them entitled to that favour and friendship which had

been honestly proffered. They saw us hampered with many enemies, and seemed desirous of taking advantage of our situation, to procure terms from us, to which they were not intitled. Then they conceived that the States ought to suffer for their want of friendship; and that as we had been great losers by the war, we ought to look for recompence in the possession of Trincomale, and other objects.

This was clearly his idea still; and if it was true, as it was rumoured, that the claim was to be abandoned, he should think nothing was wanting to make the present the most disastrous and disgraceful peace, without exception, that ever this country had made at any time. They talked of our present circumstances, and referred to his language on a former occasion. Were our circumstances the same now that they were in the month of March last? Would any man of common sense and common honesty say, they were the same or similar? He averred, that that which would have been desirable then, was not good now. Our state was mended; our navy much increased; while that of the enemy was diminished. Our force in the West Indies was greatly superior to theirs. The American war, the millstone which hung about our necks, was gone; we had victories of the most brilliant kind; the nation had just emerged from its dejection; had just recovered its high tone of thinking and acting: every prospect was rich, and yet, just in this moment of fair expectation and honest hope, we are damned at once with a peace, which, perhaps, we shall never be able to recover.

Mr. Fox now went into an examination of the several leading articles of the peace. The whole was done, he said, upon the principle of concession. It was every where concession. If he wished to look for reciprocal advantages, no such thing was to be found. He said, he would not follow the course of many of his friends, in going over minutely the ground of the various cessions which had been made; but he declared upon his honour, that the terms were obnoxious in the extreme; and he pointed out a variety of the most exceptionable passages, and laid his finger on the points which above others were ruinous and fatal to our commerce. He concluded with declaring his warm approbation of the amendment of his noble friend.

The debate lasted till near eight o'clock in the morning, when the House divided on the original Address:

	Tellers.			*Tellers.*	
YEAS	Lord Mahon Mr. Bankes	208.	NOES	Lord Maitland Mr. Byng	224.

The Amendments were consequently carried by a majority of 16.

February 19.

On the 19th of February, Mr. Chancellor Pitt expressed his anxiety to know what the mode of proceeding would be which the honourable gentlemen opposite meant to pursue in consequence of carrying the Amendment. In a matter of so much importance, he believed the usage of parliament rendered it necessary that notice should be given of the day on which it would be proceeded upon. Lord John Cavendish said, with regard to the day of proceeding upon the Treaties, it was perfectly indifferent to him. Let ministers chuse their own day, and that should be his. An early day must, however, be taken, and the consideration must be seriously gone into, when such parts as called for condemnation, in all probability, would receive it. Mr. Secretary Townshend said, as long as he felt himself supported, and his public conduct approved by such a set of respectable and independent gentlemen as had stood forward on Monday last, and voted with him, he was perfectly indifferent what other combination of parties, what new junction of bodies of men opposed him. It was by that worthy description of characters, the country gentlemen, that he wished his conduct to be judged; by men connected with no party; men who followed the whistling of no name; men who had sense and spirit to judge for themselves, and did not pin their faith on the sleeves of others: to such men's decisions he ever should bow with reverence; and the support of such men he ever should consider as his highest honour. If he must fall, if he must be condemned, let such men try his cause, and he was sure he should obtain justice. He was ready to meet any motion the gentlemen opposite to him intended to make, and the sooner they brought it forward the better.

Mr. Fox declared he was perfectly astonished at his right honourable friend's language. It was the first time he had ever heard a gentleman's conduct was less praise-worthy, because that gentleman acted in concert with others. This doctrine was not only new to him, but the more extraordinary considering from whom it came. Had his right honourable friend forgot for how many years they had acted together with a large party connected upon public principle? Had he totally lost the recollection how often they had in that House fought, and how often they had conquered, when acting in concert? Had he always entertained the same sentiments as those he had just delivered? Did he think his conduct formerly less honourable than he conceived his conduct of late to have been? Had the many years they had acted together in concert proved the least comfortable of his life? Did he feel himself more happy and more easy where he now sat? Or, what was infinitely of higher importance, did he imagine his

country derived more advantages from his services in his present situation, than they had reaped from his former parliamentary conduct? These were questions, Mr. Fox said, that naturally occurred to his mind; to say nothing of the vulgar and invidious stile of argument, to which his right honourable friend had adverted; an evident proof to him, that when men had been baffled on one important point, they would have recourse to any pretext, to comfort and save themselves from shame. But if it was necessary to follow the example, it would be easy for him to prove that the Address the House had voted, had been supported by as many gentlemen of the description just mentioned, as had voted the other way; he disdained however all such vulgar and invidious distinctions, and was free to own, that there were on the other side the House many gentlemen of the highest respectability, whose characters he admired, and whose friendship he had thought it an honour to cultivate, but who nevertheless differed extremely from him upon political subjects. Let gentlemen exercise the freedom of their minds; let them judge for themselves: he desired only to be tried by his public conduct, but he never would admit that any man's voting with a body, united upon principle, was a matter of reproach.

Lord John Cavendish's Resolutions of Censure on the Terms of the Peace.

February 21.

THIS being the day fixed for taking into further consideration the articles of peace, Lord John Cavendish moved the following resolutions:

"1. That, in consideration of the public faith, which ought to be preserved inviolable, this House will support his majesty, in rendering firm and permanent, the peace to be conducted definitively, in consequence of the provisional treaty and preliminary articles, which have been laid before the House. 2. That this House will, in concurrence with his majesty's paternal regard for his people, employ its best endeavours to improve the blessings of peace, to the advantage of his crown and subjects. 3. That his majesty, in acknowledging the independence of the United States of America, has acted as the circumstances of affairs indispensably required, and in conformity to the sense of parliament. 4. That the concessions made to the adversaries of Great Britain, by the said provisional treaty and preliminary articles, are greater than they

were entitled to, either from the actual situation of their respective possessions, or from their comparative strength." The two first resolutions were agreed to without any opposition. On the third a short debate took place, occasioned by doubts having arisen in the minds of several members, respecting the nature of the power vested in the king, by which he had acknowledged the independence of the United States. It was demanded, whether it was done by virtue of his royal prerogative, or by powers granted by statute; and, if the latter, by what statute? In answer to these questions, the gentlemen of the long robe were unanimously of opinion, that the statute passed last year, to enable the king to make a peace or truce with the colonies in North America, any law, statute, matter, or thing to the contrary notwithstanding, gave him full power to recognize their independence; though such words had not been inserted in the act, for reasons sufficiently obvious. Other members, who agreed with them in opinion as far as it respected the acknowledgment of independence, did not think the statute in question granted him any authority to cede to them any part of the province of Canada and Nova Scotia. With respect to the powers of the prerogative, Mr. Wallace and Mr. Lee maintained that the king could not abdicate a part of his sovereignty, or declare any number of his subjects free from obedience to the laws in being. The contrary was asserted by the attorney general; and each party pledged himself, if the matter should come regularly into discussion, to make good his opinion. A challenge to the same effect had passed in the House of Peers between Lord Loughborough and the Lord Chancellor. At length it was proposed to alter the Resolution into the following form: "That his majesty, in acknowledging the independence of the United States of America, by virtue of the powers vested in him by an act of the last session of parliament, to enable his majesty to conclude a peace or truce, &c. has acted, &c." when it passed without a division:—The fourth Resolution occasioned a long and vehement debate, in which the same ground was gone over as on the 17th.

Mr. Fox said:—

I rise, Sir, merely to answer a few observations that have dropped in the course of this debate, in which I cannot but consider that the facts have been misconceived, and the arguments deduced from those facts totally misapplied and unfairly stated. In what I have to say on these particular points, I shall not trespass long on the patience and attention of the House at this late stage of the debate. I should have spoken before, had I not wished to have heard the general opinion of the House on this question, before I presumed to give my sentiments upon it.

The argument which has been used by some honourable gentlemen on the other side of the House against the fourth Resolution moved by my noble friend, appears to me the most preposterous and chimerical that was ever offered. An

honourable gentleman (Mr. Macdonald) has said, that the House coming to a vote of disapprobation on the preliminaries and provisional treaty, will be construed by our enemies as an absolute intention of parliament not to abide by the articles they contained. The honourable gentleman says that it will be tantamount to a declaration of recommencing the war. Is it then to be understood, that we are inimical to the peace, because on the most deliberate consideration of its articles, we are obliged to give our candid opinions, that it is not such a peace as we might reasonably have expected from the relative situations of Great Britain with France and Spain? I think there cannot be a greater assurance of our pacific intention than what is conveyed in the principles of this fourth resolution, as it is connected with that resolution wherein we have pledged ourselves to give every stability and permanency to the peace: for, notwithstanding the peace is, perhaps, the worst that could possibly have been framed for the real interests of this nation, yet we have resolved to preserve inviolate the public faith which has been pledged in this negociation. If there is a possibility of giving an assurance of our inclinations for peace, it cannot be so well conveyed as in the letter and spirit of this resolution. In the moment that we find the peace so justly deserving of the general reprobation it has received, we pledge ourselves to see every iota of it fulfilled. In my opinion, the first resolution would not be so strongly expressive of our inclination to cultivate the friendship, confidence, and intercourse with our late enemies, were it not followed by expressing thus the sense we have of the peace being so inadequate to what our real and relative situation might have expected. Thus must France, Spain, and America, consider, that we are determined for peace, indeed, when we can so solemnly pledge ourselves to ratify and validate a negotiation wherein we find such waste of our interests and possessions. So that every argument upon this principle is the most vague, delusive, and nugatory, that it is possible for human reason to conceive. It is an absurdity too enormous for common sense to countenance.

But if this resolution was not so immediately necessary for the establishing foreign confidence, it is absolutely indispensible for preserving internal consistency. Did we not in our vote of Monday last imply, that we would give an opinion upon the preliminaries and provisional treaty which have been laid before us? Why proceed to a consideration of these papers, if the consideration of them must pass without an opinion? It is mocking the general business of parliament, to presume that we should meet for the purpose of enquiring into these papers, without giving our opinion as the result of

the enquiry. It is beneath farce itself, to suppose, that we can abstract the idea of giving an opinion from having exercised our judgments. These papers have been the subject of very serious and ample consideration. We have all formed an opinion. And, although I will not say every person in this House has this one opinion, yet I believe the exceptions are very few, indeed, from those who are not convinced of this peace being most inconsiderate, improvident, and inadequate to the real and relative interests of the kingdom. If such is the general opinion, why should it not be declared? Have we not pledged ourselves to give those sentiments which have arisen from the most serious consideration? If gentlemen mean by their opposition to this resolution, that, from the papers we have seen, our opinions are imperfect, and therefore incompetent to pass any vote that may involve in it a censure on the noble lord at the head of the administration, why are not those papers laid before us which might alter our opinions? The papers have been asked for, and, in my opinion, improperly. If this was not my opinion, I should not hesitate to vote for every paper which contained the least matter of information on the subject. But when I consider how impossible it is for me to judge what papers might come before the public, I cannot but approve of their not being called for. Were I to call for these papers, I might ask for such as might prove very dangerous to the interests of the country. The minister should produce such papers as he knows not to be dangerous; such as are proper to meet the public eye, and will tend to clear the characters concerned in this peace from the censure they must otherwise sustain; but if these papers are withheld, and there are a sufficient number already on the table to afford just ground for this resolution, it can only be deferred with an intention of its being destroyed; so that I conceive this argument as only meant to impede the performance of that promise which we have given to the public. We cannot, if we would, dispense with this resolution, consistently with our own honour, and the duty we owe the people.

Then why is it urged, that this resolution is merely brought forward as a contest for power? Is it a contest for power, that we appear desirous of performing our engagements with the nation? Can it be construed into a contest for power in the noble lord who brings forward this resolution? Is my noble friend to be considered ambitious for power, who has always been known to avoid rather than to court official employment? Surely no! If he has a blemish to foil his eminent virtues, it is that of receding from those places where his ability and integrity might promote the interests of his country. I am certain

there is not a gentleman in this House, possessing the smallest degree of candour, who can attribute such a base and pitiful motive to the noble lord. Were not the insinuation as perverse as it is contemptible, the character of my noble friend would have saved his resolution from such a paltry and disingenuous aspersion. But it is trifling with the time and attention of the House, to give this assertion a serious reply. All I shall say upon this part of the subject is, that the purpose for which it is hazarded can in no manner be successful. If it is meant to save the first lord of the treasury from the disgrace of his measures, there needs not this resolution to pass while the memory of the peace on your table remains in the minds of the people. Or if it supposes, that putting aside this resolution will be the means of preserving the present system, I trust that it is too generally known in this House, that this resolution is not necessary to destroy an administration which is already fallen. And here I must express my regret for my honourable friend below (Sir Cecil Wray) having seen any thing in our conduct this evening to have excited in him sentiments and expressions that I trust his reflection will condemn. I lament the loss of his confidence, because he possesses my friendship; but I can only attribute it to a total misunderstanding of the principle of this resolution; otherwise I am confident he would never have thus sounded the alarum of independency, and have quitted that cable of friendship which I should have hoped would have never been parted; so that I will not condemn his behaviour, although I must lament the loss of his approbation. I am assured of the honesty of his intention, while I question the propriety of his conduct. What he has said, goes against the forming of any administration; and it shews, that he has not been much used to the making of ministers.

An honourable gentleman on the other side of the House, (Mr. Powys) thought proper to censure the coalition of parties in a former debate. Indeed, he has mentioned them again in the present; but I trust this censure is undeserved. Whatever coalition of parties there may be, has arisen from the necessity of men uniting for the purpose of preserving the constitution of the country inviolate from the attack of an individual, who has had the temerity to act more from his own dictates, than from the principles of the constitution, or the necessities of the country. If ever the situation of a country required a coalition of parties that could preserve the vigour of the state from debility, it is that of the present. I trust there can be no necessity for argument to enforce this, while those preliminaries, and that provisional treaty, lie on your table. I am free to boast of being connected with a set of

men, whose principles are the basis on which the state has for a long time past been preserved from absolute destruction. It is to the virtues of these men that I have surrendered my private opinions and inclinations. It is thus only that I could prevent myself from falling into those errors which the prejudices, passions, and perplexities of human nature, will, at times, occasion. And, thus I have been always answerable to my country for my conduct; for in every public transaction I have thought it most safe to resign my private opinion, when I found it departing from the general opinion, of those with whom I was connected by friendship, confidence, and veneration. Those whose virtues claimed my respect, and whose abilities my admiration, could not but prove the best directors of a conduct, which, alone, might fall by its temerity, or be lost by temptation.

And now I must beg leave to say a few words on what I feel of the most serious nature, as far as it relates to the complacency of my own feelings. The sentiments which have fallen from gentlemen, of whom I had flattered myself to have possessed the friendship and good opinion, have occasioned in me a retrospect of my past conduct. I have reviewed my conduct with a severity of retrospect, that I should scarcely have endured, had it not been from a conviction that I really committed a fault which merited the most painful of all feelings—that of losing the support and approbation of men, whose virtues I reverence, and whose good opinions it is my greatest pride and happiness to cultivate. But, however painful this severity of retrospect may have proved, I find it amply compensated in the pleasure every honest mind feels, when it can bear testimony to the purity and consistency of its intentions. As no inquisition can be so formidable to sensibility as that which our own reflection holds on our actions, the result of my enquiry is attended with an increase of satisfaction proportionate to the pain I felt for its necessity, and fear, lest I should find myself deserving of what I have this night so painfully experienced: I mean the forfeiture of friendship, support, and confidence, where I have always sought its enjoyment. It is only from such characters as have my esteem, that I have sought support and connection. However, I find myself this evening deserted by those whom I thought never to have given a pretence for losing their estimation; and the regret I experience on the occasion would be insupportable indeed, were it not from a consciousness of its being undeserved. And this conviction is in a great measure confirmed by what I have seen since I receded from that administration, in which there was no principle of stability and connection to support it, with honour to itself and welfare to the people.

That we were justified in our receding from such an administration, has been daily evinced by those who have since followed our example. Have not those, who were deluded by pretence, not confirmed by principle to take share with a man whom they now see the absolute necessity of deserting, proved the necessity of our conduct? It can be no small satisfaction to me to see those follow my conduct, whom, indeed, I could rather have chosen to follow. Can there be a greater demonstration of the propriety of our conduct, than seeing others receding one by one from a connection which has betrayed every principle on which their confidence was founded?

But while I produce these as indisputable arguments in favour of the propriety of our resignation, and opposing the measures which have been since pursued to the disgrace and injury of the country, I shall not disavow my having an ambition to hold such a situation in office, as may enable me to promote the interest of my country. I will confess, that I am desirous of enjoying an eminence which must flatter my ambition, promote my convenience, and enable me to exert myself in my country's service; and in confessing this desire, I trust that it cannot be termed presumption. I flatter myself that I am not inadequate to the importance of such a situation; nor do I think that I gave, during the short time I held a respectable place in administration, any reason why I should not offer myself a candidate for a share in that new arrangement which the late neglectful, not to give a worse epithet, conduct of the first lord of the treasury has rendered indispensible. But this is a subject which I think more prudent to wave, than to enforce by adducing arguments, or referring to instances.

I shall now take an opportunity of observing some particulars, in answer to what has fallen from an honourable member (Mr. Keith Stewart) relative to the state of our navy not being such as to countenance the continuance of the war. He says, that the accounts of the relative state of our navy are untrue; it neither was, nor is in that condition in which it has been represented. But this assertion does not go so far against our disapprobation as some other arguments that were made in this and the Upper House in the course of last Monday's debate. It was then positively asserted, that the real state of our navy was represented far superior to its actual condition; that it was by no means adequate to the services to which it was allotted in its several destinations; that some ships were foul, others rotten, and others not stored. But these are instances that can be adduced in every fleet; they are as equally applicable to our enemies as to ourselves. But the candid and fair statement of the subject would be this. Can it be proved

that our navy was inadequate to any service on which it was dispatched? Has there been any one offensive or defensive measure declined in consequence of our navy being incompetent to the duty? If this can be proved, then I shall most chearfully consent to lose this resolution. I will even join those who are now so forward in the praises of a peace, which, to every man of common sense, is the most disgraceful and disadvantageous of any this country can produce. I will even join them in their loudest praises. There is nothing their enthusiasm can suggest in its favour, but I will most readily subscribe to. But while I am confident that no such proof can be brought, I must contend for the necessity and propriety of this resolution.

And now permit me to mention, that this assertion is not only destitute of evidence and veracity, but even of common gratitude and candour. It has originated from those who are known to be under the greatest obligations to that noble and honourable character they are thus endeavouring to depreciate. But not to say any thing farther on this disagreeable part of the subject, has it the least support from the comparison of facts and circumstances? Would the noble lord (Keppel) have been so ready to resign his place because he disapproved of the peace, had he been sensible of our naval inability for war? Is he to be considered so much an advocate for war, that he would absolutely risque his own character to imputation, if not merited disgrace and dishonour? Surely nothing can demonstrate the falsity and malice of this assertion so incontrovertibly, as the first lord of the admiralty having resigned his employment. Had he not been confident of the condition of the fleet being adequate to every relative service of war, he would have been sensible of the impropriety of opposing a peace. He must have seen the folly and danger of such a conduct, from the knowledge of the destruction it might bring on the country, and the disgrace it would, consequently, bring upon himself. But, however, not to adduce any more arguments to controvert an assertion that has no other foundation than error, malice, and ingratitude, I shall proceed to state some facts which prove the state of our navy being in a condition sufficiently powerful for any relative operation in war. It will prove that the first lord of the admiralty, I mean my noble friend, had just reason for his confidence in its competency. Whatever information the honourable member (Mr. Keith Stewart) may have received respecting the superior state of our enemies power, I will pledge myself to produce authentic and indisputable evidence, that in the course of last year our navy increased seventeen in its number, while that of France had suf-

fered a diminution of thirteen. Admiral Pigot would have had by this time fifty-four sail of the line in the West Indies. This would have been such a force for every defensive and offensive purpose, as the situation of those seas might have required or permitted. We might then have been perfectly at ease with regard to the safety of those possessions, especially when the state of the Spanish navy was considered, and that we had also remaining at home thirty-four ships of the line. If such is the situation of our navy, as I pledge myself to prove, can there be a pretence for vindicating the necessity of those enormous cessions which lie before us on the table?

I might, on this occasion, repeat the arguments which have been already adduced to shew the little attention which has been paid to the interest and feelings of the country in this negociation. But this would be only engaging the attention of the House to what they must have already formed an opinion on, in consequence of the able arguments that have been offered upon the consideration of the preliminaries and provisional treaty. However, I must observe that, in this negociation, our enemies have exacted our possessions, without paying that tenderness to our feelings which they have always affected to pay in similar negociations. There does not appear in this negociation the least circumstance to flatter our sacrifice of honour as well as possession. The papers before us bear too evident signs of the disregard and negligence with which they have been settled. But while they contain every mark of humility, ignominy, and disadvantage to this country, they evidently shew the triumph and superiority of our enemies. For *primâ facie*, we find every advantage given to our enemies, and not one solid and real advantage retained or restored to ourselves. We have granted to the Americans the privilege of fishing on the only part of Newfoundland, which is left us by our cession to France. It is true they are excluded from the privilege of drying their fish on our territories; but this is merely a negative advantage; it includes no positive interest: for since France has a privilege of part of this island, it will be very easy for America to fish with us, and dry them, by permission, on French territories. Thus it is evident, that our fishery, so much boasted, in Newfoundland is, in a manner annihilated; not to mention the impolicy of ceding St. Pierre and Miquelon, all the possessions that we have reserved are only such as tend to create jealousies which may be pretences for war at a future period. But to take a general view of this peace, we find it contains a sacrifice of our chief possessions in America, Africa, and

Asia. By the boundaries which have been so carelessly prescribed, we have excluded ourselves from the Mississippi; so that we only retain the name, without being able to enjoy its possession. We have lost West Florida, and ceded the East to compleat our loss of American territory. And, in this last cession, in a treaty for peace, we have given Spain the greatest temptation for war. We have resigned to them those advantages which were always their annoyance and terror. In this as well as in every other part of this negociation, that first principle of treaty has been totally disregarded. The retention of places, the relative power of which is to check the operations of war, is the best security for the preservation of peace. In the West Indies we have restored the Island of St. Lucia, besides ceding and guaranteeing the Island of Tobago; but as a compensation for this latter cession, we have the Islands of Nevis and Montserrat; therefore what has been restored to us by France in the West Indies, cannot at all be considered as a compensation for St. Lucia. We may be said to have only for restoring this invaluable island to the French, Grenada, the Grenadines, St. Vincent, and Dominica. And for all our acknowledgments, cessions, and restorations in America, we are only possessed of the Bahamas. In Africa we have ceded and guaranteed to France the river Senegal and all its dependencies, with the forts of St. Louis, Podor, Galam, Arguin, and Portendie; and to compleat this African cession, we have engaged to restore the island of Goree. And in return for all the forts, the river Senegal with dependencies, and Goree, France has only guaranteed to us Fort James and the river Gambia. The dependencies of the river Gambia are to be understood as included in this guarantee, where we have been too careless to have them specified in the same manner as in our cession to France. In Asia we are engaged to restore France all the establishments which belonged to them, at the commencement of the war, on the coast of Orixa and in Bengal; besides granting them the liberty of surrounding Chandernagore, with a ditch for draining the waters. We are likewise engaged to take such measures as shall secure to the subjects of France, in that part of India, and on the coast of Orixa, Coromandel, and Malabar, a safe, free, and independent trade. In the next article, we restore Pondicherry and Karical. We likewise procure as a dependency to this restoration the two districts of Valanour, Bahour, and the four Magans. France also enters again into the possession of Mahé and the Comptoir at Surat. In Asia, all this we grant without the least cession received from France; and, notwithstanding, all this profusion of liberality is incompetent to preserve the peace

from suspension and interruption. By the sixteenth article we are exposed to the continuance of the war as much as if we had not restored an inch of right, privilege, or possession in those parts to France. In Europe we have consented to the abrogation and suppression of all the articles relative to Dunkirk, from the treaty of Utrecht, in 1713, to this period inclusively. This has been entered upon without the least pretence or appearance of equivalent. From this real state of the negociation, can we have a possibility of withholding our assent to this resolution? Are not all these American, African, Asian, and European cessions, sufficient evidence that the peace is not so favourable to the interests of the kingdom, as our relative state and strength required? We may represent our own debility, to prove the necessity of a peace. But, in our approbation of this peace, it must be demonstrated, that from our relative debility a better peace we could neither expect nor obtain. If our finances were straitened, it remains to be proved, that the finances of our enemies were not equally exhausted. Do we not know that France never supported a war with more difficulty; that Spain was nearly in a state of national bankruptcy; and that America was in a state of national poverty? But this last I adduce not as an instance of the policy of the American war. I am convinced that, although she was without resource, yet her unanimity, her enthusiasm in the cause of her independence, would be sufficient to repel the united forces of all Europe.

It was from this opinion, that I have always reprobated a war that was as ridiculous in its object as it was unjust in its principle. However, this is by no means a palliative for this enormous cession for which this peace has been obtained. For, although it might be impossible to have conquered America, yet her being destitute of resource gave us a great advantage, when considered relatively, as she was in alliance with France and Spain. From this knowledge, we might have seen the policy and power of withdrawing our troops from America, had the war necessarily continued. We might have directed them against France and Spain as an accession of strength, without fearing its being counterbalanced by any assistance they could derive from America. Without resource for her own exigencies, she could have no power of granting subsidies to them. All the assistance which she might have lent to them could be only a few troops, that, in fact, could prove of no great advantage, while we had the policy to confine ourselves to the object of a naval war. It is, therefore, most clearly apparent, that we had every right to expect a more advantageous peace than what is under our consideration.

And, here, Sir, I shall take notice of an argument offered by an honourable gentleman, to prove that this peace is, notwithstanding every evidence to the contrary that has been produced, deserving of our approbation: nay, that it has even received virtually, if not positively, our applause; for the honourable gentleman says, that in our second resolution, we have pledged our endeavours to cultivate the blessings of that peace, which we mean, by this fourth resolution, to censure and condemn. Surely, said he, this peace must have received our approbation, when we have acknowledged that it has blessings, which we are pledged to cultivate; and that it is, likewise, self-evident, that a peace must deserve our approbation, to which the word blessing can, with any propriety, be annexed. I wish the honourable gentleman had annexed the word blessings to this peace with the least propriety. But he will pardon me in saying, that he misrepresents the words and meaning of this second resolution. The word blessings is connected with the general idea and meaning of a peace. My noble friend who moved the resolution, could never have so much mistaken this peace, as to have annexed blessings as its consequence. Let the honourable gentleman attend to the words of the resolution, and he will find his position has been very unfairly stated and erroneously conceived. He will find the words are, "the blessings of peace," and not of this peace. But in regard to the real intention of thus pledging ourselves to cultivate the blessings of peace, it is only a necessary assurance of our wishes and endeavours to render it reciprocally advantageous, by which means its permanency can only be preserved. It is a pledge that we mean to enter upon the consideration of our commercial system, in order to make such regulations as the alteration of our empire, and the creation of the states, may require: for it is only by such a resolution that we can palliate the neglect of administration, in having made this peace, without having to produce the least sign, intention, or appearance, of a commercial plan adapted to the altered interests of the empire. It is thus that we can only assure France, Spain, and America, of our sincerity to keep inviolate the public faith, which is pledged in the preliminaries and provisional treaty. And here I cannot avoid observing the attempt to impose this peace upon our credulity and judgment, as being negociated on the principle of the *uti possidetis*. Had this really been the principle of its negociation, France would neither have been in possession of the Newfoundland fishery, nor would she have had a foot of East Indian territory. But, indeed, the absurdity of such a pretence is evident, from the situation of the country being represented as

totally different from what is the foundation of the *uti possidetis*. And here I must state the two principles which direct every negociation. The one is the *uti possidetis*; the other, reciprocal and general restitution. Reciprocal and general restitution directs and governs a negociation for peace, when the belligerent powers have equal desire and reason for concluding the war. It is then they find it their interest to reinstate each other reciprocally in the possessions they have lost. The *uti possidetis* is the principle of negociation when either of the belligerent powers are the conquerors. It is then the vanquished are obliged to submit to the loss of their possessions. As they have not power, they assume not the pretence of demanding restitution. They are, therefore, content to purchase peace with the loss of what their enemy has taken, because they know their imbecility to support war. But in the present negociation we have all the dishonour of the *uti possidetis* were it against us, and all the disadvantage of partial, not reciprocal restitution. To consider the peace in a relative point of view, we shall find that France retains what she has taken from us, and receives a general restitution of all we have taken from her. Never was a peace so negligently, disgracefully, and injuriously concluded for this nation. Surely, nothing can account for it so clearly as a retrospect on the minister's conduct and consequence with whom our enemies were to negociate. It is evident our enemies were sensible of his not having that support and confidence which was necessary to invigorate the arm of war against them. They were sensible, that he was conscious of his own tottering power, and, therefore, they, with their usual sagacity and penetration, perceived it was the happy moment for their demands and our concessions. It is thus that we learn the foreign character and estimation of the minister. The preliminaries and provisional treaty is a foreign lesson to teach us domestic caution and information.

It has been urged as a mark of our weakness, that the general system of the war has been more of a defensive than offensive nature. Happy am I to find we have not waged a general offensive war, according to the system on which the war was conducted. The view of the peace before me is sufficient reason for my approving the policy and necessity of our war being generally defensive: for had we waged offensive war with success against forts, garrisons, and islands, we should only have had the more to have returned at the negotiation for peace. Could we have confined our operations against ships instead of forts, garrisons, districts, and islands, then we should have retained whatever we might have had the good fortune to have taken. These would have been real

and permanent acquisitions. They would not have lain within the minister's power of restoring. Since I see such a general cession and restoration of what had cost the country so much blood and treasure to retain and possess, I cannot but lament the offensive war we have waged. Had we taken less, less had there been to have restored. So that at least we should have saved much disgrace in proportion as the articles would have contained a less appearance of cession and restoration. Who that views the preliminaries and provisional treaty will not blush for the ignominy of the national character it will hand down to posterity! Who could have supposed, that such a treaty would have been concluded in 1783, as the consequence of our successes in the year 1782!

And now I would beg leave to say a few words in answer to what has fallen from an honourable baronet (Sir Edward Astley), respecting two pensions that were granted by the late first lord of the treasury: I mean the Marquis of Rockingham. Happy am I that such an opportunity is given me of vindicating his memory from any aspersion which might otherwise adhere to it. The honourable baronet has been pleased to say, that we had not enquired into those shameful, extravagant, and unmerited pensions which were granted by the administration we succeeded, because we had committed the same lavishment of the public money ourselves. As far as the pensions to which he alludes relate to my conduct, I have only to answer, they were granted without my approbation; for I am free to confess, that I did not altogether approve of the necessity or the principle of these pensions: but although they might not have entirely my consent, yet the accusation comes rather improperly, as a reflection against our conduct. The pensions were not granted to those who merited our regard, either from attachment, principle, or service in our interest. We granted them to the friends and adherents of those who were known to profess sentiments totally distinct from what we had adopted. But humanity and liberality were the characteristic features of the deceased marquis's disposition. He was of a temper too disinterested to reward his own adherents with such pecuniary gratuities. It was his principle, to retain the attachment of his friends, not by mercenary benefits, but by his conduct commanding their affection: and merit and necessity, even in those who were inimical to himself and connections, had always a claim to his assistance. It was by this irresistible conduct that he conciliated his enemies and retained his friends. It was not his object in possessing power, to enrich mercenary dependents, at the expence of the public. He

took power, not for plundering, but preserving and promoting the properties and privileges of the people. So that the honourable baronet has with great impropriety adverted to these pensions, as an instance of corruption in one of the most able and virtuous ministers that ever did or ever will direct a state.

It has been mentioned as an argument against the present resolution, that the decision to which we came last Tuesday morning, has been the cause of the ambassadors now in town delaying the conclusion of the treaty. It is said, that they have expressed a shyness to conclude what remains to perfect the negotiation, alledging, that they perceive from the determination of the House, their disinclination to fulfil the articles; and that we have only entered upon this negotiation, merely as a cessation of hostilities. But, instead of thus uncandidly stating such a position, would it not have been more consistent with the truth, to have attributed this conduct to their diffidence in the administration, possessing long enough the power of compleating the negotiation. Is it not more wise and prudent in them, to suspend their commissions for treaty until they see an administration so firmly established, as may give a due and proper validity to the negociation? It would be very hasty and premature conduct in them, to express any eagerness at this moment of vicissitude, to finish the ratification.

An honourable gentleman took occasion in a former debate to censure a coalition of parties. How far this censure was proper, the necessities of a coalition of every party that would join to destroy that party which has been so destructive to the country will discover. But were there not this necessity for coalition, I cannot see the propriety of censuring our accepting of the support, and according with the sentiments of the noble lord, (North). It is true, there was a period in which I have treated the conduct of the noble lord with that disapprobation which I should again use on the same occasion: but the cause of this disapprobation is now removed. The Americans are now independent. We have no longer a pretence nor inclination for continuing the war which I felt the necessity of reprobating. The cause of disunion no longer subsists; and the situation of the country calls loudly for the strongest coalition, which may reinstate the people in their rights, privileges, and possessions. We have a minister, who is in his nature, habitudes, and principles, an enemy to the privileges of the people. And as I am convinced, that no system can exist which is not supported by a fair, consistent, and established unanimity, I am happy to join with any party which I think has the abilities and intentions of pro-

moting the general welfare by a permanent union. This administration has been destroyed through want of confidence. It is, therefore, the greatest absurdity to think of preserving the station of a man who is unsupported by every friend and advocate for the constitution. I believe there is scarcely an individual in this House, who would give his unbiassed support to the present premier. Is there any one who could think of supporting a man who has in every possible manner trifled away the general, absolute, and relative interests of the country? Has he not, as we have too evidently seen, made concessions in every part of the globe without the least pretence of equivalent? Then let it not be said, that such a combination against a minister is unconstitutional: and while it is acknowledged, that the king by his prerogative possesses the right of ministerial appointment, let it be remembered, that the people can by their privilege annul that appointment. It is only thus, that we can derive the means of restoring the abused confidence of the people. It is only coalition that can restore the shattered system of administration to its proper tone of vigorous exertion. By this means we shall regain the lost confidence of the people: and it is only that confidence that can give effect to the springs of government. I trust there is now a prospect of reviving and establishing the system of which I have so long been proud of considering myself a member. There is now, I trust, a certainty of the present nugatory and shattered system being repaired, and rendered sufficiently strong to bear the interests of the people. Now the sense of the nation is awake to conviction. They will no longer lend their assent to the destruction of their own welfare. The obnoxious part of administration must recede from the countenance of his sovereign. He has neither the sanction of people or parliament, or, indeed, his wonted colleagues. So that from these considerations, I have the fullest assurances of seeing the interests of the nation once more placed on that foundation which can only save it from destruction.

It is only from the coalition of parties, for the honest purpose of opposing measures so destructive to the interests of the country, that the spirit of constitutional power can ever be restored to its former vigour. It becomes men to forget private resentments, when the cause of the nation calls so immediately for public unanimity. Besides, is it not an indication of our principles having been directed for this one end, the general good, although we have pursued different means for its acquisition? And as the cause of the country may have induced that personal asperity, which seemed to have occasioned a mutual enmity, that implied an impossibility of its

ever being destroyed; so it may be perceived that the cause of the country can with the greatest facility turn that enmity into confidence and friendship. From this view of the subject, it may very well appear what the situation of the country must be, which is sufficient to unite men of such different descriptions as myself and the noble lord. By this I mean not the least reflection on the principles of the noble lord, but rather the sentiments that so long occasioned that war which has ended so unhappily. But this is past, and I trust the consequence of the coalition will be the salvation of the country.

The debate continued till half-past three in the morning, when the House divided:

	Tellers.			*Tellers.*	
YEAS	Lord Maitland Mr. Byng	207.	NOES	Lord Mahon Mr. Macdonald	190.

Majority for censuring the terms of the peace 17.

COALITION OF MR. FOX AND LORD NORTH—RESIGNATION OF THE EARL OF SHELBURNE—NEW MINISTRY.

March 5.

IN consequence of the censure passed on the peace by the resolutions of the House of Commons on the 21st of February, the Earl of Shelburne quitted his office of first commissioner of the treasury, and the chancellor of the exchequer (Mr. Pitt,) declared publicly in the House, that he only held his place till a successor should be appointed to fill it. A ministerial interregnum ensued, which lasted till the beginning of April; during which time the kingdom remained in a state of great disorder; without any responsible government at home, the finances neglected, the military establishments unreduced, and the negociations with foreign powers, which the critical conjuncture of affairs rendered peculiarly important, entirely at a stand. Various causes were assigned for the extraordinary delay in the appointment of a new administration. Those who wished to shift all blame from the court, alledged, that the chief obstacle arose from the mutual jealousy which still subsisted between the newly-allied parties, and the difficulties they found in adjusting their several pretensions. Others supposed, that the interval was employed in private intrigues with the individuals of different parties, and in an attempt to form an administration independent of the great leading connections. Others again did not hesitate to assert, that on the failure of this attempt, the influence possessed by the lord high

chancellor, whose dismission was a point insisted on by the coalition, was the principal cause that retarded the new arrangement. On the 5th of March the secretary at war brought up the mutiny bill, which being read a first time,

Mr. Fox begged leave to say a few words on this bill, which, however, he did not mean to oppose or delay in its present stage. Gentlemen knew very well that a standing army in this country was unconstitutional; this was a principle which the annual passing of a mutiny bill was calculated to keep fresh in the memory of parliament; but if it was unconstitutional to keep a standing army at all, surely it must be infinitely more so to vote an army, when there was not a single person in the kingdom to be responsible for the government of that army; and yet this was the case at present; the House being called upon to vote an army, when there was not a cabinet or minister to be responsible for the management or direction of it. Now, in this situation of affairs, he might suppose a case, in which this bill might, if passed, enable somebody to do what people had within these few days heard of without doors, namely, to dissolve the parliament: for his own part, he declared, upon his honour, he did not believe there was a man in the kingdom desperate enough to advise such a measure. However, as it was possible there might be a man so lost to every sense of duty, so daring, and so desperate, as to think of such a measure, he thought it would be prudent to guard against his counsels, by stopping the bill for some time in the House. The delay could not be long, as it was impossible things could remain long in their present unsettled state; and the bill might be afterwards passed time enough to receive the royal assent before the expiration of the last mutiny bill.

In reply to Mr. Fox, the secretary at war assured the House he would give timely notice of the second reading of the bill.

March 6.

Mr. Powys moved, "That his majesty's message of the 2d of May last be read, and afterwards the subsequent proceedings of the House at a few days distance." The clerk having read these passages of the Journals, Mr. Powys moved, "That an humble address be presented to his majesty, most humbly to represent, that whereas his majesty has from his paternal regard to the welfare of his people, and his desire to avoid imposing any new burthen upon the public, been graciously pleased to suppress the several offices mentioned in his majesty's message to this House in the last session of parliament, and has likewise given his royal as-

sent to an act for carrying the said most gracious design into full execution, and for regulating the granting of pensions, and preventing all abuses or excess therein: this House trusts, that the same restrictions will be observed in respect to any pension his majesty may be advised to grant antecedent to the fifth day of April, as by the said act are thenceforth strictly and absolutely prescribed." In the conversation that took place on this motion, it was strenuously urged on one side, that though, for reasons which were deemed sufficient at the time, the operation of the act had been postponed till the 5th of April 1783, yet it was generally understood, that the spirit of the act was binding on the king's ministers from the day on which it was brought into the house; and that the noble marquis, under whose administration it passed, had declared this to have been his opinion. Mr. Chancellor Pitt was therefore called on to inform the House whether there was any foundation for the rumour which prevailed, and on which the motion had been grounded, that a great variety of pensions had been lately granted to a very considerable amount. In answer to this question, the minister first observed, that he could not subscribe to the doctrine he had just heard; that the spirit of the act was binding on him before the time fixed by the express letter of the law. The object of the act was to take away a power, which the crown had otherwise an undoubted legal right to exercise; but by limiting its restrictive operation to a future fixed period, the spirit of the law rather tended to sanction the intermediate exercise of that power. He then entered into a detail and vindication of the different pensions that had been lately, or were then in the course of being granted. The first, he said, was a pension of 3000l. to the lord chancellor, to whom a grant in reversion had also been given of a tellership of the exchequer, in consequence of a former promise given him by the king. The propriety of making a permanent provision for this great law officer had been at all times so universally acknowledged, that he did not think it necessary to trouble the House with a particular justification of this pension. The second was a pension of 2000l. a year to Lord Grantham. This, he said, had been granted at the particular instance of his majesty, and was to cease whenever he was in possession of any place of greater or equal emolument. That noble lord, at the end of an eight years embassy, had refused to receive the emoluments usually continued to those offices; and when called to take on him the post of a secretary of state, his majesty had been pleased to promise him a pension of 2000l. whenever he should quit that situation. The third was another pension of 2000l. to Sir Joseph Yorke, granted him as a reward for thirty years services in foreign embassy. Both these pensions, he said, were strictly within the spirit as well as letter of the act. The fourth was a pension of 700l. and the fifth, another of 500l. a year, granted to two clerks of the treasury, whom, for the sake of some official arrangements, they had found it necessary to superannuate. The sixth was a pension of 200l. a year, granted to a gentleman on his leaving the tax-office, to undertake the office of one of the secretaries to the treasury, as a compensation, in case, by a change of ministry, he should

be thrown out of employment. The last was a pension of 350l. a year promised by the last administration to the secretary of Sir Guy Carleton.

Mr. Fox supported the motion, as the House must be convinced from what they had heard that it was peculiarly necessary. He thanked the worthy member for having moved it, and agreed with him in the wish that it had been made earlier. He said, he had no inclination to disturb or revoke any of the pensions that had been so fairly stated to the House by the right honourable gentleman, but there was something in the right honourable gentleman's mode of defending them, that gave him serious alarm. In the first place, he did not at all approve of the name of his majesty having been so frequently introduced; it certainly was disorderly, and the putting every act of the ministry upon the personal promise of the king, took away the responsibility, which the constitution had placed on the advisers of the crown, and rendered it a very difficult matter for members of that House to do their duty to the public. It was, Mr. Fox declared, of all other matters the most delicate and the most disagreeable to speak to measures, with which persons were so intimately connected, that however any thing invidious and personal might be fairly disclaimed, and disclaimed upon the honour of the speaker, the world was apt to separate the person from the measure, and to impute warrantable parliamentary objection to the former, to envy or private pique against the latter. With regard to the lord chancellor, he had long lived, and he hoped to continue to live with him, on terms of sincere private friendship; that noble and learned lord undoubtedly possessed great abilities, but perhaps he was of opinion, that those abilities were not exerted in a manner most beneficial, but on the contrary, in a manner most disadvantageous and most injurious to the true interests of the country. That the lord chancellor ought to be provided for, if he was to resign his high office, was a matter so obviously proper, that no man could offer an objection to that proposition. He should have liked the mode of providing for that noble lord, however, better, had it not been rested by the right honourable gentleman upon a promise of his majesty. To put it upon that ground created a difficulty, and in a manner barred all comment, because whatever promises the royal personage chose to make, he should be ready at all times to say, they ought to be held sacred, and fulfilled at all hazards. It was not, nevertheless, a fair argument for ministers to use in that House, when a public act of administration was under discussion. With regard to the pension granted to Lord

Grantham; with that noble lord from his earliest infancy, he had been accustomed to live in habits of the strictest friendship; and therefore, it was almost needless for him to disclaim any invidious or personal motive in what he had to say upon that noble lord's pension. He would then, without scruple, declare, that the pension itself did not appear to him to be greatly objectionable; but the manner and the time of granting it gave him most serious alarm indeed. What had the right honourable gentleman told the House? That his majesty, when Lord Grantham accepted of the office of secretary of state, promised him a pension of 2000l. a year whenever he should quit that office. What did this lead to, if the practice obtained, but a most dangerous and alarming exercise of the influence of the crown? What was it, but bribing persons by pensions to take on them offices, to accept which they had no inclination? By this means the crown could always obtain an administration without the smallest regard to the sense of parliament, or the confidence of the people.

After severely reprobating this mode of bestowing a pension, as a condition of accepting high office, and declaring that though a lord chancellor had a right to expect a pension on quitting his situation, he hoped it would not be understood, that future secretaries of state were to have the same expectations; Mr. Fox adverted to the defence set up by Mr. Pitt for Lord Grantham having been employed on foreign service for the crown. Mr. Fox admitted that his lordship came under that description, but said, he had himself moved to insert that clause of the act of parliament, though with a different view from that in which it was now regarded. His idea was, not to enable the crown to grant pensions to noblemen who had been employed in important embassies, and whose affluent private fortunes placed them above the want of a pension, but to enable the crown to provide for a very different description of persons sent upon foreign service. It was well known, that young men of some family and abilities were picked out, and sent early in life to foreign courts, where they remained for several years, and were then moved to other courts, and so on. These persons, were they not so employed, would doubtless have pursued some profession or other at home, in which they might have been successful; and therefore, when from a change of administration it became necessary to recall them, he thought it extremely hard, (as they must by that time have lost all their connections at home, as well as their chance of success in any professional pursuit) that they should go unrewarded. It was to meet this difficulty, that he had moved the clause, and with no other view whatever.

He next came to the mention of Sir Joseph Yorke's pension, and not having the honour to be acquainted with that gentleman, he said, he was not enabled to fortify himself against the charge of personal and invidious motives, in regard to what he should say, in like manner as he had been able to fortify himself, with regard to the lord chancellor and Lord Grantham; he could only therefore disclaim being actuated by any such motives. With respect to Sir Joseph's pension, he declared, though he had served his country in foreign embassy thirty years, yet when he looked at his honours and emoluments, he saw no necessity for the pension lately granted. He next spoke of Mr. Morgan's pension, and said, that he knew nothing of the promise of any such pension when he was in office. Perhaps the noble lord below him (Lord John Cavendish) might. He objected, however, very strongly to any pension being granted as a bribe to induce any person to take upon him an efficient office. He thought the principle a pernicious one, and though he meant nothing invidious or personally offensive to the learned lord advocate over the way (Mr. Dundas), he could not avoid taking that opportunity of saying, that when the learned lord accepted an office for life, at the same time that he accepted the office of treasurer of the navy, (which though not a sinecure, was pretty much like one) all the world wondered at such a strange mode of giving a man an office for life, as a condition of his taking another, and that almost a sinecure office; and it was universally declared the most lavish and absurd mode of wasting the public money that could be adopted. Mr. Fox next adverted to the two clerks of the treasury, who had been superannuated on pensions of 500*l.* and 700*l.* per annum, and asked, if they really were, from infirmity, illness, or any other cause, obliged to be superannuated, or whether the whole of that business was not a mere job, for the sake of an arrangement more agreeable to the minister? With regard to the granting 200*l.* a-year to a clerk taken from the tax-office to the treasury, he reprobated that measure, and alluded to a transaction that had passed in the House of Lords ten days since, which he termed a scandalous transaction.

He again urged the bad policy of granting pensions, as bribes to persons to take on them efficient employment, and having fully discussed all the topics he had touched upon, he said, though no man had a greater personal regard for the secretary of state just promoted to a peerage *, than he entertained; and although no man wished him to be loaded with

* The Right Honourable Thomas Townshend, had, on the preceding day been created Baron Sydney of Chislehurst, in Kent.

honours more than he did, yet the remark was so obvious, that he could not avoid observing, that it was a little extraordinary, that the crown should think proper to reward those ministers who had assisted in making a peace, which the more he considered and reconsidered it, the more he found cause to wonder at the possibility of any man being capable of setting his hand to it. And yet that peace, which, to say the least of it, had not met with the approbation of that House, but in some degree lay under its censure, was thought of so differently elsewhere, that it had been found adviseable to reward one of the secretaries who made it with honours, and the other with emoluments.

After putting this very pointedly, Mr. Fox said, with the leave of the House he would so far digress from the principal subject of debate, as to take some notice of the extraordinary remark made by the honourable gentleman who moved the address. To find that gentleman at any time differ from him in opinion, was a matter that gave him real concern. He lamented that an honourable friend, who was every way so respectable and independent, did not concur with him in sentiment, but he could not let what had fallen from that honourable gentleman pass unnoticed; at the same time he declared he knew not to what his honourable friend had alluded. His honourable friend had talked of those who avowed, who boasted, and who gloried in acting independent of the public opinion. If his honourable friend meant to allude to him, he was mistaken: he had neither avowed, boasted of, nor gloried in any such conduct; on the contrary, he maintained the very reverse idea; and he was not a little surprised to hear his honourable friend immediately afterwards confess, he thought the government ought to go into such hands. How was this to be reconciled? To him it appeared most irreconcileable. He had contended, and he ever would contend, that no ministers who acted independent of the public opinion, ought to be employed. The public opinion alone was the basis, in his mind, on which an administration should be formed. It had been argued again and again, that the king had a right to chuse his own ministers. In that particular, he rested on the spirit of the constitution, and not on the letter of it; and grounding his opinion on the spirit of the constitution, he ever had and ever would maintain, that his majesty, in his choice of ministers, ought not to be influenced by his personal favour alone, but by the public voice, by the sense of his parliament, and the sense of his people. An administration in whom that House did not place a confidence, was such an administration as it was unfafe to lodge the government of this country in at this crisis. It was no

argument to say, "I am a minister, because his majesty has made me one." The personal influence of the crown was not the ground for a minister to stand upon. The confidence of the people must accompany the royal favour, or the country could not be governed wisely, prosperously, or safely. He would repeat what he had mentioned the day before; he did not, upon his honour, believe there were any men so extremely desperate, but it was reported without doors, that there was an intention of dissolving the parliament. Let the House look at the business upon their table. Let them consider the many, the great, and the important questions, beyond all former example, that awaited their discussion. Let them think of the consequence, if a dissolution of parliament was to take place, without a responsible minister in office. He would not offer any proposition or advice to them. Let them weigh their situation, and act accordingly. With regard to the coalition so frequently alluded to, let gentlemen coolly ask themselves, if ever unanimity was most requisite, whether this was not the time for it? Let them consult their judgment, whether former animosities ought not to be buried under the present difficulties, and whether this was a fit moment for retorts and repartees. To what purpose urge former heats and asperities? Were there any two of them that could be put into a room together, of whom a third person could not say, "you formerly violently opposed each other, and this or that harsh thing was said of one of you by the other?" Mr. Fox conjured all sides of the House to unite, through a sense of the critical situation of the country. He advised moderation and unanimity, as the great means of restoring the public welfare, and returned his hearty thanks to Mr. Powys, for his vigilance and care in bringing forward, at such a moment, a motion so wise, so necessary, and every way so proper, as that under consideration. Towards the conclusion of his speech he took occasion again to mention the talents of the lord chancellor and his great influence. He said, the country felt that influence to its disadvantage at that moment. Had it not been for the exertion of that influence, he verily believed such an administration would have been some days since formed, as would have had the confidence of parliament, and the confidence of the people.

Mr. Dundas assured Mr. Fox, that he had not obtained the place of keeper of the signet in Scotland, as an inducement to accept of the treasurership of the navy, a place which he was very willing to confess was not fit for him: he had said so to persons now within hearing; and he declared he had consented to accept it only until some other person should be found to fill it. But he would not

say he was unfit for the place he had obtained in Scotland; and his majesty having been pleased to honour him with a patent place, he would assure the honourable gentleman, he would never dishonour the patent, by carrying it to market. This pointed allusion called up

Mr. Fox, who said, the transaction alluded to, namely, his exchange of the clerkship of the pells in Ireland, for a pension on that kingdom, had nothing in it dishonourable: the patent he had received from his father, as part of his fortune, and unconnected with the then administration, who applied to him: he consented to accommodate government, but on very bad terms for himself, as he had given away a thing of greater value than that which he had got in return for it. This was the whole transaction. It had been a matter well known, a matter talked of in that House, and a matter that no one person, except the learned lord, ever thought disgraceful or dishonourable in the smallest degree. The place was no favour to him from the crown, no boon from his present majesty or his ministers, but a legacy left him by one of his relations, as disposable by him as any other species of property whatever. Mr. Fox, after explaining this matter very fully, declared, upon his honour, that he knew not of the manner of the learned lord's accepting of the place of treasurer of the navy, and mentioned, that the lord chancellor had refused putting the seal to the learned lord's patent of keeper of the signet of Scotland for life, till he was appointed treasurer of the navy.

Mr. Rigby said, he was acquainted with the whole transaction of Mr. Fox's bargain, which was perfectly honourable; and in which there was but one thing censurable — the right honourable gentleman had parted with his patent for less than it was worth. Mr. Byng justified Mr. Fox, with regard to his exchange of the clerkship of the pells of Ireland, and said, that the place had no sooner passed out of the hands of his honourable friend into that of Mr. Jenkinson, for whom it was purchased, than its value was increased full 1000l. a year. The motion, after a few verbal alterations, was agreed to.

March 24.

On the 19th of March, Mr. Coke, member for Norfolk, gave notice, that if an administration should not be formed on or before the Friday following, he would on that day move an address to his majesty on the subject. This notice was supposed to have produced the desired effect; and it being generally understood the day following, that the king had commanded the Duke of Portland and Lord North to lay an arrangement for a new administration before him, Mr. Coke, on the day fixed, declined making his intended motion. On Monday the 24th, the same

gentleman brought the subject again before the House. He said, that having heard that the arrangement to which he had alluded, was put an end to, he now thought it necessary to resume his intention and would certainly make his motion, unless a right honourable gentleman opposite to him would declare that some other arrangement was come to, consisting of men possessing the confidence of the country. Mr. Chancellor Pitt assured the honourable gentleman, that he knew of no arrangement of administration whatever. Upon this Mr. Coke moved, "That an humble Address be presented to his majesty, that his majesty will be graciously pleased to take into his serious consideration the very distracted and unsettled state of the empire, after a long and exhausting war; and that his majesty would therefore condescend to a compliance with the wishes of this House, by forming an administration entitled to the confidence of his people, and such as may have a tendency to put an end to the unfortunate divisions and distractions of the country."—Mr. Buller said it was naturally a matter of wonder that no administration had been formed, when it was known that there were a set of men not only ready, but eager to get into office, and to form an administration among themselves. That the circumstance called for enquiry, and, he believed, upon probing it, the fact would turn out to be, that his majesty had acted in the present instance as in every other of his reign, with that graciousness and benignity towards his subjects in general, which distinguished his character, and had long since got over his personal feelings, with a hope of pleasing his people by such a sacrifice. That his majesty therefore was by no means the cause of so long a delay, but that it would rather be found to have arisen from the difference of opinion that had prevailed among the heads of the new coalition, who had united more with a view to get into power, than from any other principle, and therefore the first moment it became a question, how officers were to be appointed, difficulties had occurred, which, to a coalition so formed, must necessarily prove the source of much trouble, and take a good deal of time to accommodate.—Mr. Hill, mentioned a design he had of proposing the following addition to the address, "And that his majesty would be graciously pleased not to nominate or appoint any person or persons to fill up the vacant departments, who by their mismanagement of public affairs and want of foresight and abilities, when they were in office, had lost the confidence of the people."

Mr. Fox said, it had not been his expectation, that the House would have gone into much debate that day, but after hearing the right honourable the chancellor of the exchequer solemnly assure the House, that he knew of no arrangement of administration whatever, and after hearing likewise, what had fallen from the different gentlemen, who had spoken, he thought it necessary to say a few words. He owned when the honourable gentleman had risen, who spoke last but one (Mr. Hill) he did imagine the honourable gentleman had in-

tended to move the same amendment, which he understood the honourable gentleman had read to the House on Friday last. He used the word understood, because from accident, and from accident merely, he had happened to be out of the House at the time. The amendment was part of a motion which he had formerly had the honour to make, but which had not been adopted by the House, though it had received the support of a very respectable minority. It could not therefore be brought forward as a matter that had met the sanction of the House. The honourable gentleman had now said, he would not move the amendment for the sake of avoiding the confusion, into which it might have led the House; undoubtedly such would have been its effect; but the confusion would have been still greater than the honourable gentleman seemed aware of: for had the amendment been moved, he should have proposed an amendment upon it; if the first amendment had been carried, which desired his majesty not to employ persons, who from want of foresight had lost the confidence of the people, his amendment would have been to have added the words, "and also, that his majesty would be graciously pleased not to employ as ministers, any of those whom that House had declared to have made a peace, in which the concessions to the adversaries of Great Britain were greater than they were entitled to." Had both these amendments been before the House, and certainly the one was as fair, or more so, than the other (because it stood on the Journals of the House, which the other did not), he verily believed the House would have been a little confused how to act. If the honourable gentleman insisted that the motion of last year, although supported by a respectable minority, ought to exclude the noble lord in the blue ribbon, surely his candour must make him acknowledge, that the vote of the 21st of February, above alluded to, must equally exclude the noble earl, who was at the head of the treasury. Well then, what would be the consequence? Both those parties being excluded, there would be only one set left unimpeached; and although that was the set he most wished for, he should have voted against both amendments, confident, that however respectable the Rockingham party were, they were not sufficient to stand alone.

The noble earl (of Surrey) who seconded the motion, had treated it rather too seriously, in thinking it would be an infringement on the prerogative of the crown. He was ready to own, that it was unconstitutional in that House to meddle with the prerogative of the crown; but he never could agree that it was not perfectly constitutional for them to enquire into, and to censure the conduct of the advisers of the crown,

whenever occasion called for it. He did not in the present instance conceive it possible for the calamitous situation of the country (arising from the five weeks want of a responsible administration) to have happened, had not the crown been ill advised. Had a single hint only been given to those with whom he acted, that the degree of confidence necessary to carry on the measures of government would be placed in them, every thing would have been easily adjusted. The motion went to that, and therefore, in giving it his support, he could not think he countenanced an unconstitutional interference with the prerogative; although, had the motion borne such a construction, as the noble earl who seconded it had truly said, the present situation of the country would have been a full justification. Let the noble earl only look at the speech made by his majesty at the opening of the present session, and he would there see a lesson laid down to the House; for the minister had made his majesty say, that he knew the sentiments of the people better than their representatives. The speech recommended the House to act with temper and wisdom, collectively and individually, and concluded with saying, "My people expect these qualifications of you, and I call for them." Surely, he said, the House had an equal right to say to the throne, "The people expect an administration they can confide in, and to you they call for it." To form an administration of that kind, he said, it would be necessary to call forth great and distinguished abilities from all parts of the House; it must be an administration formed on a broad basis.

If ever it was right to forget former animosities, to forego ancient prejudices, and to unite, it was right now. The situation of the country required a coalition of parties, and in order to attain so great an object, where so much was at stake, and to form an administration on a broad and permanent basis, he was ready to shake hands even with those opposite to him, as well as with the noble lord in the blue ribbon, and from out of the three parties to form such an administration as the country could look up to with hope and with confidence. In order to effect this, it would neither be wise nor prudent to point out the former errors of one party or of the other, but to lay aside the recollection of the past for the sake of being able to do well for the country in future. With regard to there being persons ready to accept of power, it was a fact that there were. But surely for men to be ready to endeavour to serve their country in a moment of uncommon difficulty; with a table full of great and important business, with a loan to be directly made, with many other questions of infinite magnitude, pressing for immediate discussion

and management, and with the prospect of a powerful opposition; under all these circumstances, to be willing to undertake the government of the country from a hope that they might, by an union of abilities, and a vigorous exertion of them, rescue the empire from its present calamitous condition, was surely a matter in favour of those, who were ready to undertake the government, and the more entitled them to the thanks and confidence of that House and of the country in general. With regard to the eagerness of gentlemen so sarcastically mentioned, if any man thought in times like the present, that he and those who acted with him, were influenced merely by motives of a personal nature, he was willing to let them remain in that opinion. To such an argument he would not offer one word in reply. He had heard, he observed, a good deal from an honourable gentleman, who spoke early in the debate (Mr. Buller), about the new friends and new connections of the noble lord in the blue ribbon. He was a little surprised at hearing such an attack from such a quarter. He was not old enough to remember it, but he understood, that the honourable gentleman himself, fourteen years ago, quitted those who were now the noble lord's new allies, then the honourable gentleman's old friends, to join the noble lord. Was it more reprehensible for him, and those who acted with him, to do that in a body now, which the honourable gentleman had thought proper to do singly, as an individual, fourteen years ago? As to the honourable gentleman's suggestion, that the difficulty and delay that had attended the arrangement of ministers, would be found to have arisen from a difference of opinion between the heads of the two parties that had united, the honourable gentleman was mistaken. He did not believe it arose from any want of disposition on the part of his majesty to comply with the wishes of his people, and he knew that it originated not in any difference among those who had formed the coalition, so much disapproved of by the honourable gentleman who spoke last. With regard to their conduct respecting the arrangement, he heartily wished he was at liberty to state every particular of it without reserve. The more it was known, he was convinced, the more it would be approved. It could hardly, however, be said, that there was no government, on the contrary, for these five weeks past it had been the most open and bare-faced government ever known in this country. Not a government by ministers, not by a first lord of the treasury, or by secretaries of state, those puppets and instruments of others, but by the persons themselves who had been supposed only before to possess some secret influence, but who now stood forward as the private advisers of his majesty to

act in opposition to the wishes of his people and to the sense of his parliament. [During this, Mr. Fox looked hard at Mr. Jenkinson.] It was, he verily believed, owing to that secret influence alone, that so much delay had hitherto been practised. If any man wished to see who it was that had for five weeks past governed the kingdom, and ill advised his majesty, let them go to the other House, they would there find the great adviser in his true character. Let them mark the man, they would see difficulty, delay, sullenness, and all the distinguishing features of what had been falsely termed an interregnum of administration, but what was, as he had before said, a sample of the most open government ever known in this country. Mr. Fox said, the motion had his hearty approbation, and he trusted that there could be no objection to it. He advised the House by all means to be unanimous upon it, to carry up the address to the throne as the sense of that House, upon the want of an administration, and not as the measure of any one party or set of men whatever. If any of the particular words of it were deemed objectionable, he said, he could answer for his honourable friend who moved it, that they should be given up or altered, as the House should think proper; but at any rate he hoped it would pass.

In reply to Mr. Fox's insinuation concerning the evil advisers of his majesty, and the secret influence behind the throne, Mr. Jenkinson considering himself as alluded to by the right honourable gentleman, stood up to refute the charge in every, and in the fullest sense of its unwarrantable meaning. He said that the prerogative of the crown was not so limited as to proscribe any privy counsellor the presence of his sovereign, or to take from that sovereign the advice of a privy counsellor. As to secret influence, he denied such ever to have existed in him, but he thought that when his majesty was graciously pleased to send to him and command his attendance, he was bound in duty and respect to obey the summons. He owned that in the course of the last five weeks he had been with his majesty more than once: he declared that he never did go, except on official business, and when he was sent for; and that he never did use any secret influence, or gave any advice whatsoever, which was not warranted by the strongest principles of national justice. In reply to various observations made by Mr. Macdonald,

Mr. Fox rose, and took a comprehensive view of the coalition, and reprobated, in the strongest terms, every insinuation and charge made by the honourable gentleman. He said, his very severe attack on the noble lord in the blue ribbon need not give his lordship any pain; for as it was early in the debate, it was probable, and there was a precedent for it, that the honourable gentleman, before the rising of

the House would get up and make an apology for what he had said, or at any rate, it might be expected by the next day at farthest. He denied that the delays of forming a ministry were at the doors of the Duke of Portland and his friends; they lay elsewhere. It was, without question, the lord chancellor whom he meant as the secret adviser of the crown, and the cause of the delay in the choice of an administration. He avowed the charge, he wished not to conceal his opinion, and he openly averred, that to the learned lord he looked for the influence which at present directed the sovereign. His reasons for so doing were these; that as there was not any first lord of the treasury, any ostensible minister to be answerable, the chancellor, of course, was the person to be considered as the only official man from whom his majesty could receive advice; and therefore he alluded to that learned lord. That there was influence, that there was secret council, he believed no man doubted. The coalition alluded to by the honourable gentleman had, it seemed, met with disapprobation, because old enemies had become new friends; because those who differed on former points had, in present matters, come to an agreement. Was this so extraordinary an affair? Was reconciliation such an improper, such an unprecedented, such an unparliamentary maxim? Surely not! The empire was thrown into convulsions; the state was without an helm, and the kingdom without a government. As to what the honourable gentleman alledged in respect to the coalition occasioning the delay, he was misinformed; and as to what he had said about the contention in that coalition for power, his information was not correct. This he advanced as a truth incontrovertible, because it was founded in that which could not be controverted. The coalition was founded on a principle to which every honest man in the kingdom must agree. It was founded on a principle that went to reconcile old animosities, and to form an administration upon a permanent, sound, and constitutional foundation. Such was the administration that this country wanted, and such only was the administration that could relieve it from its present difficulties. Much had been said about old enemies re-uniting. He took the liberty again to mention the circumstance, and he demanded if that was improper or impolitic. Political differences, and the diversified interests of party, had brought this kingdom to its present unhappy situation. And as by the recent and former examples of a want of coalescence, there were evident proofs that the empire could only be happy in the unanimity of parliament; so it followed, that coalitions to effect that unanimity were constitutionally proper. When the House looked at the business upon the table, when they con-

sidered the situation of affairs at home and abroad, and when they looked to the probable and certain consequences, it must be natural to conclude, that nothing could save this country from ruin, but a vigorous, virtuous, and steady administration. Something had been said by the honourable gentleman, (Mr. M'Donald) that alluded to a venal tribe, as always applied to those who had supported the administration of the noble lord in the blue ribbon. He wished to know whether by that description the honourable gentleman meant those who changed their opinion, those who left him, because, as they themselves contended, he had not so great a power as formerly of providing for his friends, or those who still adhered to him without the prospect of reward, and had not joined others who were likely to pay better. If he meant the former, then the honourable gentleman spoke from conviction. As to what had been said respecting a majority of interest, he denied any such idea. There was indeed, as already observed, some slight difference in respect to the coalition, but out of the five weeks negotiation, that only took up ten hours, and was then finally adjusted and conclusively settled. The charge, therefore, in that respect, was groundless. He begged pardon for again repeating this matter to the House, but as it was urged in a strong manner against a noble duke, he thought he could not too much impress the subject on the attention of the House. The motion before the House, therefore, became a matter absolutely requisite to be adopted. The people demanded it, the kingdom wanted it, and therefore it should have his concurrence. Mr. Fox took notice of what had fallen from Mr. Jenkinson respecting his giving the king his advice; he admitted, that being a privy counsellor, he had a right so to do, but what he found fault with was, he declared, not that the honourable gentleman gave his majesty his advice, but that he gave it him in secret. There lay the rub; let it be public; let it be in the face of the council, that the honourable gentleman was his majesty's adviser, and there would be no harm in the business, nor any thing suspicious in it; as the matter stood, the case was widely different.

Mr. Coke's motion for an address was agreed to without a division. To this address his majesty replied, "That it was his earnest desire to do every thing in his power to comply with the wishes of his faithful Commons."

March 31.

On the 31st of March Mr. Pitt acquainted the House, that he had that day resigned his office of chancellor of the exchequer; and being asked, whether he understood that any new arrangement was likely soon to take place? he said, he knew of none, but concluded, from his majesty's answer to the address, that such a measure would not unnecessarily be delayed. This answer did not appear to give any satisfaction to the House; and especially as it now appeared, that the care of the public money was left without any responsible minister whatever. Much difference of opinion prevailed as to the steps it might be proper for the House to take in so alarming a conjuncture. The Earl of Surrey proposed as the ground work of their future proceedings, that they should come to the following resolution: "That a considerable time having now elapsed without any administration responsible for the conduct of public affairs, the interposition of this House on the present alarming crisis is become necessary." Several objections were made to this proposition. It was said to be worded in a manner much stronger than the occasion justified: and that, to declare their interposition necessary in a case, acknowledged on all hands to belong constitutionally to the crown, was little short of declaring that the government of the country was at an end. It was further objected, that such a proceeding was not consonant to the practice and forms of the House; and lastly, it was objected to, as implying, that for some time past there had been no responsible ministers, whereas every minister was responsible for every part of his conduct till the day he resigned. This motion being withdrawn, the Earl of Surrey proposed the following: "That an humble address be presented to his majesty, to express the dutiful and grateful sense this House entertains of the gracious intentions expressed in his message of the 26th instant.—To assure his majesty it is with a perfect reliance on his paternal goodness, and with an entire deference to his royal wisdom, that this House again submits to his consideration the urgency, as well as the importance of the affairs, which require the immediate appointment of such an administration as his majesty, in compliance with the wishes of his faithful Commons, has given them reason to expect: to assure his majesty that all delays in a matter of this moment have an inevitable tendency to weaken the authority of his government, to which this House is not more bound by duty than led by inclination to give an effectual and constitutional support—To represent to his majesty, that the confidence of foreign powers may be weakened by a failure of the ordinary means of a constant communication with them. That the final execution of treaties, with the important and decisive arrangements of a commercial and political nature in consequence of a late revolution;—that a provision for the heavy expences and the important services voted;—that the orderly reduction of the forces, and the expences of a new establishment;—that the settlement of national credit, seriously affected by the

critical state of the East India Company;—that these, with other important concerns, do severally, and much more collectively, require an efficient and responsible administration, formed upon principles of strength and stability, suited to the state of his majesty's affairs both at home and abroad.—And that this House most humble repeats its application to his majesty, that he will take such measures towards this object, as may become his most gracious disposition, and quiet the anxiety and apprehensions of his faithful subjects."

The decency and propriety of this address were very generally acknowledged, but some doubts were expressed whether sufficient time had been allowed since the answer that had been returned to the former. In the course of the debate, the negotiation that had broken off eight days before was again adverted to. After the satisfactory answer given in a former debate, that no obstacle or impediment had arisen from any disagreement amongst the persons with whom that negociation was carried on, a report had been industriously circulated, that it had been broken off on account of the harsh and unreasonable demands of that party—and that these demands went to the absolute dismission of all the private and domestic servants of the crown. On the ground of this report, Sir William Dolben having called on Lord North to avow its truth or falsehood, his lordship solemnly protested, that no such cause either did or could have existed; that the noble duke and himself had never, even in conversation, descended to the mention of any arrangements so minute as to reach the offices alluded to; that he believed there was no set of men in the country, who could be so indecent and so reprehensible as to presume to dictate so harsh a measure. He did not scruple, he said, to declare that so disgraceful an attempt would justly have called for the abhorrence and detestation of that House; but that he was convinced his noble and honourable friends would be as much hurt, as he confessed he was at that moment, to have it insinuated that such a proof of unworthiness to fill any office whatever themselves had been given by them.—Mr. Perceval said, if the address was persisted in, he could wish to add an amendment to it, by "assuring his majesty, that that House would fully support any administration he might be pleased to form, as long as they acted constitutionally." That amendment, he thought, ought to be inserted, as it would clearly evince that the address did not proceed from any party motives, or that the House wished to point out any particular set of men to his majesty of whom to make choice.

Mr. Fox rose, and declared that he by no means saw the necessity of the amendment, mentioned by the honourable gentleman; the address, in his opinion, fully expressed what the honourable gentleman wished; it said, that the House was bound by duty, and led by inclination, to give an effectual and constitutional support; surely that was saying every thing that could be wished: it would be needless to say more;

indeed it would be wrong to agree to support men before they knew who those men were. — In the course of the debate the learned lord advocate had observed, that the resignation of Mr. Pitt ought to be a means of postponing the address; at the same time insinuating, that the great obstacle to forming an arrangement was now removed. Did the learned lord wish to say that Mr. Pitt's remaining in office for the last six weeks was the cause why no arrangement could take place? If he did, the blame undoubtedly lay with Mr. Pitt; but he by no means believed that to be the case; for his own part, he conceived the resignation of that right honourable gentlemen neither retarded nor expedited the forming an arrangement, for he had, in fact, been considered out of office these six weeks; nay, his own words, a considerable time since, were, that he only remained as a *locum tenens*, to do the business until some other person was appointed; surely, then, his having resigned this day could be nothing unexpected.

The learned lord had desired the motion to be postponed for a few days. Would the learned lord assign any reasons for putting the address off; would he give the House any reason to think an arrangement was about to be made, and in such forwardness, as to promote a ministry in a few days; in fact, would he give the House any reason whatever why an arrangement had been so long delayed? If not, he must say, that the learned lord's information for some time were such, as by no means warranted the House in any ministerial address moved by the noble earl. The situation of the country, so truly painted by the noble earl, called aloud for an administration to be formed with all possible speed, and the learned lord himself had said, that any unnecessary delay certainly was culpable. Surely six weeks had been sufficient time to form an arrangement in, therefore it was clear that some persons were culpable, but who they were, he was not warranted in saying; yet he would persevere in what he mentioned on a former occasion, that those persons were culpable who gave his majesty advice to delay the business, and on whom could he fix that culpability but on those who had access to his royal person?

With regard to Mr. Pitt's responsibility, he was glad to hear the noble lord in the blue ribbon touch upon that point. Had not the noble lord spoken in that manner to the first motion he meant to have done so. As long as the right honourable gentleman held his office, so long he certainly was responsible; not that he meant to charge him as the cause of the delay, of not appointing an administration for so long a time, — a matter which the country felt severely! He had no inclination to prefer an accusation to that quarter;

indeed, he was neither ripe to acquit, nor ready to condemn; without proof he could say nothing one way or the other. With respect to the general argument of the learned lord, if it applied at all, it applied in a way directly opposite to that in which it had been used. All the learned lord had said, as well his inexpressible reasoning, as his other reasoning, went rather to shew that the address was necessary, than that it was unjustifiable. The learned lord had said, if there had been delay — if there had been delay? — had there not? What did all the world complain of? — But then, said the learned lord, if there had been culpable delay? Undoubtedly the delay was culpable. Why had that House voted their address of Monday, but because they thought the delay culpable? Why for a moment entertain the present motion, but because the still longer delay appeared to be still more culpable? There was no doubt of the fact, the only question under the present circumstances was this: would it not be wise to act unanimously, and for that House to avoid as much as possible the appearance of any thing like a contention of parties? For this reason he deprecated a division. He earnestly conjured the House not to divide; he conjured them rather to withdraw the motion, than let it go to a division. If either the learned lord or the right honourable gentleman would declare, nay, if they would hint only that they believed an arrangement would speedily be formed, or if they would say a motion similar in purport to the present would be agreed to by them, if no arrangement took place in a day or two, he would by all means advise the noble earl to withdrawn his motion. On the present occasion, however they might differ on other questions, he was persuaded there was but one opinion; where, therefore, there was a real unanimity, he wished most earnestly to avoid the appearance of dissension.

Having argued this very strenuously, Mr. Fox took notice of what Sir William Dolben had said. He observed, that the honourable baronet had called for more than insinuation to support the charge of secret influence. If the honourable baronet would recollect what had passed last Monday, he would have remembered, that he had much stronger evidence of the existence of secret influence than bare insinuation; he had self-confession. That which suspicion had only glanced at heretofore, boast and exultation had avowed. He had learnt more than ever he knew before, and, in fact, more than ever he expected to have heard; he had learnt that a privy counsellor, who was not a minister, might give his sovereign advice, and not be responsible for the effect that might be produced by it. Surely the House could not agree to such

an absurd, ridiculous, and dangerous doctrine: indeed it was an insult to their understanding, but it had been exultingly mentioned by a right honourable gentleman (Mr. Jenkinson) on Monday last, and the only excuse he made for it was, that he never gave any but good advice. How was it to be known whether that advice was good or bad, but by the effect produced? The effect was the only criterion he could judge by, and if that right honourable gentleman had given his sovereign advice in the present instance, he was the person culpable. He knew, he said, perfectly well, that it was a difficult matter to prove to the House the culpability of a person in such an affair, as private conversation could not be called for, nor could the secrets of the cabinet be divulged. The noble lord (North) near him had been called on by that right honourable gentleman on Monday last to declare, whether he ever found his schemes frustrated by a secret influence? and he had declared that he had not. This might be easily accounted for; the right honourable gentleman in question was a known friend to the government under that noble lord, as the measures it pursued were consonant to his ideas and wishes. But what would the consequence be, if that right honourable gentleman was suffered to give his sovereign advice without being responsible? When an administration might be in power that was of a different way of thinking to him, what a predicament would they find themselves in! Their schemes, their plans, formed with the best intent possible, all frustrated, owing to advice given by a person by no means responsible for the effect of his advice! What could an administration do in such a case? Why, in his opinion, they would have no other alternative than to signify their disapprobation to the measures by a resignation of their offices. That was the only step a virtuous administration could take; but he sincerely hoped, that such steps would be taken as totally to preclude any thing of the kind happening in future.

The public were led to believe several things to the prejudice of himself and his friends, by a number of arrangements that daily appeared in the public papers. How those arrangements came into the papers, or who formed them, he was totally ignorant; he could with a safe conscience say, they were, to the best of his knowledge, erroneous; at least, he knew nothing of such arrangements. He was in hopes, as the whole House seemed perfectly agreed on two grand points; first, the necessity of an administration; and secondly, that the appointment of that administration should be such as was most consistent with the dignity of the crown, that there would be no division. This he must again urge to the House. Unanimity,

however desirable at all times, being never more requisite than at present, he therefore by all means wished the House not to divide, but cordially to agree, as that would be one great means towards expediting the business so ardently wished for.

The Earl of Surrey consented to withdraw his motion, with an understanding that it was to be renewed in three days. The day after this debate, a negotiation was again opened with the Duke of Portland, and on the 2d of April a new Administration was announced. *

WILLIAMS'S DIVORCE BILL.

March 27.

THE House resolved itself into a committee on Williams's divorce bill. A conversation took place on the subject of the clause, inserted in the upper House, on the motion of Lord Ashburton, the purport of which was, that the children born after the

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* The following is a List of the New Administration:

Members of the Cabinet.

First Lord of the Treasury — Duke of Portland.
Secretary of State for the Home Department — Lord North.
Ditto for the Foreign Department — Right Hon. Charles James Fox.
Chancellor of the Exchequer — Lord John Cavendish.
First Lord of the Admiralty — Lord Viscount Keppel.
President of the Council — Lord Viscount Stormont.
Lord Privy Seal — Earl of Carlisle.

Not of the Cabinet.

Lords Commissioners for the Custody of the Great Seal — Lord Loughborough, Sir Wm. Henry Ashurst, Sir Beaumont Hotham.
Master-General of the Ordnance — Lord Viscount Townshend.
Secretary at War — Hon. Richard Fitzpatrick.
Paymaster of the Forces — Edmund Burke, Esq.
Treasurer of the Navy — Charles Townshend, Esq.
Attorney-General — James Wallace, Esq.
Solicitor-General — John Lee, Esq.
Secretaries to the Treasury — Rich. Brinsley Sheridan, Esq. Richard Burke, Esq.
Speaker of the House of Lords — Earl of Mansfield.
Lord Lieutenant of Ireland — Earl of Northington.
Secretary to do. — William Windham, Esq.

separation of the husband and wife should not be entitled to any share of the husband's property, unless the said children should be able to prove their legitimacy.

Mr. Fox arraigned this clause as an act of injustice to the children, inasmuch as it robbed them of their claim to a provision from Mr. Williams, without so much as hearing them, and then condemned them for not asserting a claim and making out a title which their friendless and deserted infancy disqualified them from doing. He was ready to admit that there was an appearance of hardship on Mr. Williams; but it must be remembered, that though the adultery of his wife was clearly established, it by no means followed, that the illegitimacy of the children was in any degree proved; nay, it was by no means the subject-matter of the bill, the object of which was, simply to release Mr. Williams and his wife *à vinculo matrimonii*: the parties applied to the legislature for that relief which the law could not give: the law could pronounce on matters of fact, and determine questions of illegitimacy, &c. but it could not dissolve the *vinculum matrimonii*. It was therefore necessary that the legislature should interfere to supply the defect of law, and dissolve the marriage: but there was no want of power in the law to determine questions about legitimacy; and, therefore, what ground could there be for calling upon parliament to bastardize children whom the law was fully competent to declare illegitimate, on proper evidence? He did not mean to add to the misfortunes of Mr. Williams; and therefore he would not object to the introduction of a bill, which should perpetuate the evidence on which that gentleman supposed the illegitimacy of the children might be proved; such a bill would guard against the injury he might otherwise sustain by the death of any of the witnesses, before the children should arrive at full age. In the bill there were three parties concerned, Mr. Williams, his wife, and the children. The two first were only before the House, and therefore, though he was ready to give sentence, as far as that sentence could affect them, he was by no means prepared to say that the children were bastards. He held it to be an inherent and indispensable principle of justice, that no persons whatever should be deemed guilty of an offence, by any judgment of authority, whether pronounced by parliament, or by any other court, without having been heard in their defence, and without having been afforded an opportunity of combating the evidence adduced against them, in the manner that evidence usually was combated on trials where the parties accused had an opportunity of being in court and making their defence. In order to render his meaning more obvious, he would sup-

pose, that he was criminally indicted and tried for murder, the blackest of all others in the calendar of crimes, and that the indictment stated, and the evidence adduced, proved in the most satisfactory manner, that he, as B. was aiding and abetting A. in the crime alledged, that he was present at the murder, that he put the pistol or weapon with which the fact was perpetrated into A.'s hand, that he held the person murdered while A. killed him, and that he was tried for the fact, condemned and executed. In this case, as far as the transaction affected him, the whole was consonant with the strictest justice; his execution, no man could say, had been unfair, nor could there be a single argument raised to question the equity of any part of the proceeding. But would any man say, that therefore A. stood condemned. Would it be maintained for a moment even, that because A. had been incidentally tried when B. was tried, that therefore A. ought, without farther proceeding, to be likewise executed? Undoubtedly not. A. would be entitled to a separate and distinct trial, in order that A. might hear his accusation, combat the evidence, and make his defence. If, then, in a criminal case this was necessary, how much more so ought it to be adhered to in a civil one: In a case of landed property, in the case of a family-estate, and, in short, in such a case as that of persons upon whose proved legitimacy or illegitimacy depended the validity of their claim to family honours, titles, and fortunes! This was exactly the case of the children to be bastardized by the clause then under consideration; it surely, therefore, behoved the justice of the House to take particular care, how they proceeded to give their sanction to a clause which deprived innocent infants of their estates, and declared them infamous, without having heard it proved that they were so.

Mr. Fox said, he had ever been of opinion, that a collusion between a man and his wife to prove the adultery of the latter, after that adultery had been committed, ought not to be any bar to the passing of a divorce bill. He knew a very high law authority had held the reverse, and on that single ground had not only opposed several divorce bills, but in one case of flagrancy had been able to reject the application for a divorce, and throw out the bill. This he thought a very great hardship on the injured husband, because he thought the facility of his producing evidence of the adultery of the wife, however obtained, no objection to his claim for relief: but the moment he had taken up that opinion, he found it necessary to take care to confine it merely to the husband and wife, and by no means to suffer it to extend itself to the children. And the reason of his feeling the necessity of this precaution, arose from considering how extremely hard it would be to suffer children

to be bastarized, deprived of their birthright, and rendered infamous, merely because their father and mother had obtained a legal divorce. That divorce might have been (as he was ready to allow it should be) obtained by a collusion between the father and mother; and, therefore, a collusion come into by them, ought not to be a ground for bastardizing the children; or the divorce might have been obtained by perjured evidence, by false evidence, or by negligent evidence; which, where there was no party to combat it, as must be the case with helpless children, might have the full effect of the best possible evidence. Upon all these reasons, he thought it unjust to say, in a bill of that nature, more than that the man deserved the relief he prayed for, and should have it. If the husband wished to bastardize the children, and was convinced they were spurious, let him resort to the courts below; they were open to him. He denied that the question of non-access had been clearly established, and for that reason also, he thought the House would go far beyond justice, if they declared the children bastards. He took notice of the vulgar error that prevailed, that non-access could not be proved, unless it could be evinced that the husband or his wife were beyond sea while she bred or bore children. That error, he conceived, arose merely from the extreme difficulty of proving non-access otherwise. Mr. Fox, in the course of his speech, expressly declared, he had no motive whatever for taking the part he did in the business, but a wish that those who were not before the House, and could not defend themselves, might be done strict justice to. He concluded by moving, that the whole clause be rejected.

Terms of the Loan.

April 16.

THE chancellor of the exchequer, Lord John Cavendish, brought forward the loan for the service of the current year. The sum borrowed amounted to twelve million. Eleven bankers, with whom the terms of the loan were allotted, had 700,000l. each; the remainder was divided amongst the rest of the bankers, the great trading companies, and the clerks of the public offices. The premium, according to the value of the stocks on the day on which the bargain was concluded, was 3l. 10s. per cent. but rising considerably within a few days after, much blame was imputed to the minister for having made so disadvantageous a bar-

gain for the public. In vindication of himself, he allowed that the premium was certainly much greater than ought to have been given in time of peace, but he begged the House to recollect the circumstances under which he had been obliged to negotiate the loan. He had only been ten days in office; the late ministers had left the treasury without a shilling; and the public service admitted of no delay. These circumstances were well known to the money lenders, and they had doubtless taken advantage thereof. And as the necessity of coming to a conclusion on any terms would by every day's delay have been the more urgent, they would certainly have been raised upon him, the nearer that period approached. The terms of the loan were strongly condemned by Mr. William Pitt. Mr. Martin said, it was well known, that he had frequently declared his sentiments in that House, against the admission of members of parliament to a participation of any loan which government might have occasion for. Having stated this, he thought himself bound to mention, that the noble lord who negotiated the loan, had sent to the House with which he was connected, expressing his good opinion of it, and informing his partners, that the house should certainly be considered in the distribution of the loan. Mr. Martin, as a member of parliament, disclaimed all idea of accepting any part of the loan; but by that he did not mean to exclude his partners from any profit they might make, by taking a share of it in the regular course of business. He however called God to witness, that should his partners partake of the loan, he would by no means share any profits arising therefrom.

Mr. Secretary Fox rose, and before he entered into the consideration of the terms of the loan, took notice of some things that had been offered. He gave Mr. Martin credit for having sent a very honourable letter to his noble friend, but declared, that, nevertheless, the same sum had been given to the House, as had been intended before the letter was written or sent to his noble friend, a pretty strong proof that the promotion of ministerial influence was not the object that directed his noble friend's conduct, when he, in a manner that spoke his candour and his justice so strongly, determined that the bankers in general should have shares in the loan. With regard to what had fallen from the right honourable gentleman who had so strongly objected to the present loan, he differed a good deal in some of the points laid down by him, though he agreed in others. If he was asked whether the present loan, abstracted from all other considerations than the mere terms, was a good peace-loan, he would answer in the negative; but if all the circumstances attending the negotiation were taken into consideration, then he would contend that the loan was better than might be expected. He then entered into calculations to disprove the assertion of Mr. Pitt, that

the premium amounted to 6*l.* per cent. and he stated it to be at this moment, at 3*l.* 10*s.* 2½*d.*; a premium infinitely greater than it ought to be in peace-time; but still he did not think that the public would lose more than 50,000*l.* by the bargain; a sum certainly not inconsiderable, but still not worth mentioning, when the committee should consider what inconveniences would flow from the circumstance of delaying the loan till after the holidays. His noble friend had been appointed chancellor of the exchequer on the 2d of April, and on the 16th he brings forward his loan. The delay of his predecessor was undoubtedly the cause that the present loan was not far more advantageous to the public; and therefore he was astonished to hear a right honourable member find fault with the terms, which, if they were bad, were so in consequence of his own delay. The King's speech at the opening of the session was full of promises of the greatest attention to the navy debt, and to future loans. How had these fine promises been fulfilled by the ministers? No loan was made; no plan for making a good one laid down: the exigencies of the state required that the loan should be made speedily; and as they would not brook delay, the terms could not, of course, be as good as if the loan had been made sooner: the right honourable gentleman had remained in office long after he declared that he would quit it; it was his duty surely either to have made the loan in the mean-time, or by his resignation have made room for some other who would have done it: he did not mean to throw blame on the right honourable member for staying in; he was not acquainted with his reasons; they might be very good; but he was not a little surprised to hear him find fault with the terms, which must have been better if he himself had made the loan in time, or suffered another to make it a month ago.

He begged leave to remind the right honourable gentleman of the different conduct of the noble lord who went out of the office of chancellor of the exchequer last year. That noble lord, to the moment immediately previous to his resignation, executed all the duties of the office of chancellor of the exchequer. Had the right honourable gentleman followed the noble lord's example, a loan on better terms might have been had, and the public would have saved a considerable sum. With regard to what the right honourable gentleman had said of a competition, the loan of the last year had been made in that manner, and he was persuaded, that was a bad method. In the present instance, however, there was no competition to resort to. The bankers had formed such a strong connection, and acted so much in concert, that there was no such thing as getting a set sufficiently

opulent or powerful to oppose the set already connected. With respect to the giving the whole, without reserve, to the eleven bankers, who were to have seven millions seven hundred thousand pounds of it, if that circumstance would have got the public a better bargain, he would agree, it should have been so done. But the fact was otherwise. To his knowledge the condition was offered to the bankers, but they would not abate their terms in consequence. So much, therefore, for the right honourable gentleman's two better ways of making a loan. In answer to his valuation of the stocks, Mr. Fox said, he differed from the right honourable gentleman. He allowed that the bonus, if without the discount, it amounted to 40s. was too much: but he contended, that putting each stock at its highest price, the bonus could not be swelled to more than five pounds, whereas the right honourable gentleman made it six, and then with a degree of fancy and imagination, which by no means ought to be exercised on such a subject as that of a loan, called it a bonus of six or seven per cent. Mr. Fox also said, if his noble friend even had the bonus of three millions to give away, it would only have amounted to 180,000*l.* and not to 240,000*l.* as stated by the right honourable gentleman. After arguing this very closely, and resorting to a variety of calculations and ingenious reasonings upon the doctrines of chance, as to the rise and fall of the price of the funds, Mr. Fox took a kind of side-wind notice of the opposition that had been given elsewhere to the Irish Judicature bill. He said the right honourable gentleman had disappointed him. He had expected that he would have called for the performance of all the notable promises in the King's speech, relative to raising loans in future in such a way, that at the same time that they were raised a fund should be provided for paying them off. It would not have been more extraordinary to have expected the present ministry to have fulfilled all the flowery professions and promises of the last, than when they tried to pass a bill of theirs, which they found on coming into office in an advanced parliamentary stage, and about which scarcely any thing had been said, when it was first brought in, for the adherents and supporters of the last ministry to call upon them to state the reasons upon which the bill had been originally introduced. Having entered into an able discussion of the question of long and short annuities, and contended very strenuously, that the mode adopted by his noble friend of borrowing the money upon an addition to funds already established rather than on new funds, was by far the wisest method, he concluded with repeating, that the badness of the present loan was ascrib-

able to the shortness of the time in which it had been made, and that the late ministry were solely to blame for that circumstance.

In the course of this debate, Mr. Pitt and Mr. Secretary Fox were up several times. In one of his speeches, Mr. Pitt said, that the right honourable secretary's reasoning on borrowing money to increase the capital already owing, rather than with a view of redemption, was the reasoning of a gambler, who borrows desperately, without meaning ever to repay the principal.

Mr. Secretary Fox replied with great keenness, and declared the reverse of the proposition was the fact; for whether he was or was not to be called a gambler for it, he should ever advert to the doctrine of chances, and maintain, that borrowing money on extravagant and disadvantageous terms, from a vain hope of being able soon to discharge that, which there was not the smallest probability of being able to redeem, was much more in the style of reasoning customarily held by gamblers; and the argument on which he should ever be governed in public loans, was that the redemption being in the option of the borrower, and not at the discretion of the lender, the borrower holds the alternative either of redeeming at a fair price, or of keeping the lender out of his principal.

April 25.

Mr. Secretary Fox said, as often as the badness of the present loan was objected to, so often, whether the right honourable gentleman liked it or disliked it, would he state the fact, that it was not imputable to the present administration, but to the hurry in which it was made. With regard to the reasons that had induced the late administration to stay in till the last moment, he could not argue upon them, because he did not know them; he did not, therefore, charge the right honourable gentleman, nor any body else, with criminality for their conduct; because possibly the right honourable gentleman and others, might have very good reasons for it, but he would leave it to the candour, to the justice, to the honour, and to the common sense of every man who heard him, whether it was not manifest, that the extreme hurry and difficulty, under which the loan had been made by his noble friend, was in a great measure to be considered as the reason, why the terms of it were not better. If that was not the case, all the argument on the idea that the last administration occasioned that hurry, fell to the ground; but that being the case, it was fair for him to state, that the right honourable gentleman's

staying in office till the last, the very last day, as it were, before a loan must be made, was more the cause of its being a bad loan, than any want of endeavours of his noble friend to make a better. Mr. Fox said, as he was talking of a bad loan, it put him in mind of the peace, for it occurred to him, that the same cause occasioned the badness of both, namely, their being obliged to be made by a certain day. The loan, the committee knew, must be made before Easter, and the peace must be made by the meeting of parliament; the hurry in which both were made, had rendered each, like every thing done in a hurry, liable to much objection.

Mr. Pitt's Motion for a Reform in Parliament.

May 7.

THIS day Mr. William Pitt made his promised motion respecting a Reform in the parliamentary representation. As the mode of proceeding by a committee, proposed last year, had formed one of the principal objections against the reform itself, he thought it more advisable to bring forward some specific propositions: these were, "1. That it was the opinion of the House, that measures were highly necessary to be taken for the future prevention of bribery and expence at elections. 2. That for the future when the majority of votes for any borough shall be convicted of gross and notorious corruption before a select committee of that House, appointed to try the merits of any election, such borough should be disfranchised, and the minority of voters, not so convicted, should be entitled to vote for the county in which such borough should be situated. 3. That an addition of knights of the shire, and of representatives of the metropolis, should be added to the state of the representation." He left the number for future discussion, but said he should propose one hundred. The motion was opposed by Mr. Powys, Lord Mulgrave, Lord North, Mr. Welbore Ellis, and Mr. Rigby. Amongst the converts to the question appeared Mr. Thomas Pitt, and Mr. Dundas, the Lord Advocate of Scotland. It was also supported by Sir George Savile, Mr. Byng, Mr. Beaufoy, Mr. Fox, Mr. Sheridan, and the Earl of Surrey.

Mr. Secretary Fox rose, and remarked to the House, that he made no doubt there were some persons present who would attribute what he said to lukewarmness, and not to

zeal; however, regardless of their censure, he would freely deliver his sentiments, and assure the House that he most heartily concurred with the right honourable gentleman who made the motion, that the constitution required some reform, and so far from its being absurd to make any innovation on it, he was certain that the nature of our constitution required innovation and renovation; for the beauty of the constitution did not consist, as some people imagined, in theory, but in practice. He knew it was the common and the popular opinion, that our constitution was beautiful in theory, but all corrupt in practice. Singular as his sentiment might be upon the subject, he made no scruple to avow, that he looked to the reverse as the true description of our constitution, and thought it admirable in practice, but imperfect and very faulty in theory. The theory was in its nature found by experience to be absurd in several parts; for, as it was composed of three estates, king, lords, and commons, it was absurd to think that one man should have an equal power to the whole multitude; therefore, in the practical part, that power was wisely curtailed, and not left in the breast of one man, but in a government consisting of several ministers. He regarded it as one of its chief excellencies, that it involved a renovating principle in itself, and by being capable of repeated improvement, admitted the possibility of its being from time to time carried to a degree of perfection beyond which no human idea could go.

The right honourable secretary said much had been mentioned relative to the shortening the duration of parliaments, and some persons attributed all our calamities to the want of short parliaments. He had looked into history, and found that when parliaments were more frequent, the nation was more brilliant and successful; he had also observed, that for a period of many years since the passing of the septennial bill, the nation had been at the pinnacle of its glory, therefore he could infer nothing from that, nor did he, in fact, see that this was material either way. The noble lord (North) in talking of the American war, had said it was popular in the beginning, that it had been begun agreeably to the wishes of the people, and carried on by their consent until it proved unsuccessful, when a stop was put to it. He differed with him; for although it had undoubtedly been begun by their wishes, the people were for putting an end to it much sooner than it was ended; and there he saw the defect of the House of Commons; it did not speak the wishes of the people quick enough. He begged leave to revert to the two hypotheses mentioned by Mr. Thomas Pitt, wherein he said the despotism of the crown had continued a minister in power against the wishes

of the people; and the republicanism of the people had, in grasping for power, taken the crown captive, and robbed it of its prerogative. Certainly, in the course of two years, something like that had happened; but he denied that, in all the contentions he had held, and the systematic opposition, as it had been called, that he gave to the noble lord, that ever he struggled for power.

With respect to what the noble lord had said, that by adding more knights for the counties, the landed would overmatch the commercial interest; he could by no means see that to be the fact; for commerce now had spread itself so universally, that the landed and the commercial interests were inseparable, therefore he was not afraid of any harm in that quarter; nor did he fear much from the aristocracy that would be occasioned: for although the motion went to a resolution to add more members to the counties and capital, it by no means confined gentlemen from making any wise regulations in the bill that would be brought in, if the motion was carried; and he should not probably be for adding them all to the counties and capital, but should be for giving some to the large towns of Birmingham, Manchester, &c. in order to make the representation more equal.

He next touched on the offer of Mr. Thomas Pitt to give up his borough of Old Sarum: it had a great sound, he said; but in all those fine flourishes which gentlemen took, the House should consider well the nature of the proposal. The honourable gentleman had made an offer that he knew could not be accepted, therefore the merit was not so great as it appeared. There were many persons who were against the motion, because it was an innovation; yet they were perfectly agreeable to innovations; they were not against what was almost a new doctrine, he meant an interposition of the other House with respect to money bills; there, merely for the spirit of opposition, persons attempted to meddle with what they were totally ignorant of, as was plain to be seen by their conduct. [Mr. Fox here alluded to what the Earl of Shelburne had said of the right of the House of Lords to alter money bills.] There one noble lord had argued about lottery tickets, in a manner that could not help being ridiculed; another noble lord had attempted to prove, that borrowing money lessened a debt; in fact, this must be the case, where persons officiously meddled with what did not concern them, and talked of things in a place where they had no right to talk of them.

The right honourable secretary entered into a strong vindication of the Yorkshire and other committees from the sneer that had been cast on them by Mr. Powys, for the specula-

tive points they had thrown out. He wished the House to recollect, that Sydney, Locke, and others writing on the constitution, had speculated far beyond what was practicable; yet much good resulted from their speculations, and they were great helps to the practical beauty of which we so much boasted. He would not run into a long history of a crooked leg, in which the honourable gentleman had conducted himself but lamely; but he would, in imitation of him, make a simile, and compare the constitution of the country to that of an individual; it was exactly the same; it was to be fed, it was to be nourished, it was to exist by nutriment, and would undoubtedly be liable to disorders. Suppose the patient had a fever and was to call for water, the physician would not be bound to comply with his request, but would mix up something that would nourish, that would be moist, and that would quench the thirst, and not have the evil tendency that water would; so it was the duty of that House to administer for the relief of the constitution, not exactly as called for by the wild, extravagant doctrine of letting every man who was not a fool or a madman vote, but by taking some wise, salutary steps that would redress the grievances complained of. He entered very fully into the nature of the constitution, expressed himself a warm friend to a reform, saying, that mankind were made for themselves, not for others; and that it was the best government where the people had the greatest share in it. He could have wished, that a committee had been appointed similar to that moved for last year, as he did not think the present motion would go far enough; but as he was confident it would be an amendment, he should give it his hearty support.

At two in the morning the House divided on Mr. Powys's motion, That the orders of the day be now read:

	Tellers.			*Tellers.*	
YEAS	Mr. Eden Mr. J. Robinson	293.	NOES	Lord Mahon Mr. Byng	149.

Majority against Mr. Pitt's motion 144.

BILL FOR REGULATING CERTAIN OFFICES IN THE EXCHEQUER.

July 4.

IN the committee on the bill for regulating certain offices in the exchequer, the chancellor, Lord John Cavendish, proposed, that after the interest of the present auditors and tellers of the exchequer, and of the clerk of the pells, in the respective places, should cease and determine, the salaries of those officers in future should be fixed and certain, and as follow: the place of auditor 4,000*l.* a year; each tellership 2,700*l.*; clerkship of the pells 3,000*l.*; the place of deputy to each of the four tellers 1,000*l.*; the deputy to the clerk of the pells 800*l.*; and the receiver under him 200*l.* These regulations occasioned a debate. Mr. Pulteney strongly objected to granting the tellers more than the amount of their peace-emoluments; but more particularly laid his finger on the proposed increase of salary of the tellers' deputies or chief clerks. He talked of the great influence the bill would throw into the scale of the crown, and moved, "That the blanks in the bill be filled with the words 'four hundred pounds' instead of 'one thousand.'" Mr. William Pitt said, that since it was avowed that the tellerships of the exchequer were sinecures, he could not, by any means, consent that the clerks should have 1000*l.* a year. The honourable gentleman, who had just spoken, had stated, that all the actual business had been done for 400*l.* To what purpose, then give away 600*l.* a year? There was something so barefaced, something so unreasonable in the idea, that he could not but concur with the honourable gentleman in his motion, since neither natural inclination, a necessary attention to the state of the country, nor the least regard to a conscientious discharge of his duty as a member of parliament, would suffer him to vote away the public money so unwarrantably. Mr. Pitt talked of the petitions of the people for reform; and asked what would be the opinion without doors of conduct like that the House were then advised to pursue? The principal offices in the exchequer were in the face of day declared to be sinecures. The offices of the four tellers were indisputably sinecures, and it was now proposed to pay them 2700*l.* a year for themselves, and to give their deputies, whom they themselves appointed, 1000*l.* a year! This was a degree of extravagant and improvident expenditure of the public money, to which he never could consent; he therefore concurred entirely with the honourable gentleman near him. Nay, his ideas went farther; he thought the emoluments of the other places were stated at a much higher rate than they ought to be. He had no notion of swelling the emoluments of sinecures unnecessarily and inordinately; he should therefore object to the whole of the clause as amended, and give his vote against it.

Mr. Secretary Fox said, that the principle of the bill was not so much to reduce the salaries of these offices, as to pre-

vent the emoluments arising from them from encreasing with the public burdens, and the holders of them from being enriched in proportion as the public should grow poorer; and therefore the fixed salaries moved for by his noble friend, were perfectly in unison with the principle of the bill. As to the four deputies, he thought the salary of 1000*l.* each far from being too much, because their offices were by no means sinecures; and as they held places of very great trust, none but persons of considerable character ought to be employed in them; and for such persons 400*l.* a year would be too inconsiderable a salary. He said, if the bill had purported to be a bill principally brought in for the purpose of effecting that kind of reform which had economy merely in view, he should, for one, subscribe to the sort of arguments he had heard against it; but the chief object of the bill was of another nature. His noble friend had proposed it, in order to put an end to a matter that was in itself extremely odious, and had been much, and, in his opinion, very justly complained of, namely, the existence of offices, the holders of which received an encrease of emolument in proportion as the expences of the country encreased, and who grew rich upon the aggravation of the public burden, and the public distress. That was the chief aim of the bill; and that, as the clause was proposed to be amended, it fully and completely answered. With regard to the influence of the crown, much as he was an enemy to the encrease of any undue influence, he was convinced, that it was impossible for the government of a great kingdom to go on, unless it had certain lucrative and honourable situations to bestow on its officers in a peculiar line, as a provision for their families, and a reward for their eminent and distinguished services. Of this sort were the places in the exchequer, which, though it might be necessary to lessen their inordinate emoluments in times and seasons when they undoubtedly ought not to encrease, yet care ought to be taken, not to pare them so close, or to lower them so much as to render them unworthy the acceptance or expectations of great and distinguished characters. In putting the tellers at 2700*l.* his noble friend had barely put them above their average peace-amount; and he made no doubt but his noble friend meant no more. The encrease, however, was so trifling, that it was not worth disputing about. With regard to the argument, that giving the clerk 1000*l.* was in fact giving the principal 1000*l.* in addition to this 2700*l.* that went upon so narrow and mean an idea, that he knew not how to answer it. If those who held the offices of tellers were base and sordid enough to stoop to such a meanness, no bar the legislature had in its power to provide, could possibly prevent it. Certain he was, three of

the present tellers would not demean themselves in so scandalous a manner, but would spurn at any such proposition. And indeed, the argument went so far, that if it were admitted, there was scarce an official deputy in the kingdom whose principal would not become liable to the same sort of imputation. The same thing might also be said of the secretary of state, for instance, and of the two secretaries to the treasury; but would any man presume to hint an insinuation, that at any time, under any administration, a bargain of the nature in question had been driven? He believed that man was not to be found who would venture upon such an accusation; why, then, feel an alarm upon such an account now? As a bill of influence, the present, undoubtedly, gave the crown some influence; but he believed it would be admitted to be a sort of influence the least dangerous of any that could possibly exist. To put a man in such a situation, as that the crown should never be able to be useful to him, was, in his opinion, a very foolish and unwise thing; but to put a man into such a situation, as that it should be out of the power of the crown to be hurtful to him, might, in a variety of instances, be necessary and useful. He knew of no way of doing this more effectually, than by giving a man an independent situation for life. In this view he professed himself a friend to the bill; and a stronger argument that his majesty's present ministers had no views of a personal nature in making the salaries of the tellers 2700l. a year, need not be resorted to, than a consideration of who the present tellers were. Three of them, Lord Northington, Lord Temple, and an honourable and respectable member of that House, Mr. Pratt, younger men than his majesty's ministers! The other teller, unhappily, might not be so good a life; but then it was pretty well known, that it was promised to a person not much older than any of his majesty's present servants. He desired, in what he said, of the necessity of one sort of influence remaining, not to be understood to extend his ideas as far, as he had heard arguments of that nature carried in another place. He had heard it said, that if the influence of the crown was too much diminished, men of desperate fortunes, needy adventurers, and distressed politicians, would be the only persons who would accept of the government of the country. There was, he owned, something a little strange in the argument, that men of large property and considerable estates could not afford to serve their country as cheap, as those who were less affluent. He was willing, however, to take the argument upon the grounds on which it had been placed; and since speaking of himself, he certainly could not pretend to be a rich man, he was glad to hear it allowed, that such men as he could afford to serve the country cheaper

than men of greater affluence. In the present bill, however, he did not think it right to take away all those emoluments, which those who had reasoned in the manner he had stated, thought so essential to remain. The noble and learned lord might be assured, he envied him none of those emoluments, nor any affluence that he could derive from office.

Mr. Pulteney's amendment was negatived. After this discussion Mr. Rigby being anxious to protect the promise of a tellership, which had been given to Lord Thurlow, rose up to propose a clause with that view. He reminded the House that Lord Thurlow, when he quitted the profession and accepted the office of lord chancellor, obtained from his majesty the promise of a tellership in the exchequer. This promise had been made in the year 1778; and he trusted that Lord Thurlow had a title to expect a reversion of a tellership fully and beneficially. He therefore intended to bring up a clause "to exempt the case of Edward Lord Thurlow from the operation of the bill; his majesty having, in the year 1778, promised to the said Lord Thurlow, on his accepting the office of lord high chancellor, a reversion of a tellership of the exchequer, in as large and beneficial a manner as tellerships were then enjoyed."

Mr. Secretary Fox said, it was difficult for the mind always to discriminate between motives public and personal. In a question like the present, it was purely personal; and to speak on a question purely personal was certainly extremely disagreeable; he nevertheless thought it his duty to state to the House the true nature of the question, and then let the Committee adopt or reject it, as they thought proper. The right honourable gentleman who had proposed to move the clause, and his noble colleague, had declared they could not account for the noble and learned lord in question having declined to accept the offer of a tellership when it was first made him. They would forgive him, if he declared that the matter did not appear to him altogether so inexplicable. When the offer was first made, one reversion of a tellership was actually granted; was it, therefore, to be wondered at, that the noble and learned lord should not think a second reversion quite so good a thing as might possibly come within his reach? They all knew that it was an unusual thing to grant a second reversion, and for the best reason in the world, namely, because such a grant was generally deemed of little value; and, perhaps, under the peculiar circumstances under which it had been made to Lord Thurlow, (with two very young men in possession, a third young man in reversion, and the first teller at that time, to all appearance, a good life) it was of less value than at any other time it could have been. Was it to be wondered at that the noble and learned lord should have

since changed his mind? Certainly it was not; circumstances had altered materially: one of the possessors was dead, and another very infirm. Who could be surprised, then, as the object seemed more attainable, that the noble and learned lord should have changed his mind, and grown more willing to accept a reversion in proportion as the object approached nearer? But it had happened, that the House of Commons, in the interim, had thrown a difficulty in the way, by coming to that resolution which the right honourable gentleman had stated. All that could be done had been done by the last ministry, and a very extraordinary proceeding that was; such a proceeding, he believed, as had never been heard of before. They had introduced the royal promise into the wording of the patent, granting the noble and learned lord, what was generally termed a floating pension, being a pension to be held and enjoyed by him till such time as the tellership should fall in. But even in doing this, the late ministry (who might naturally be supposed to be as well inclined to serve Lord Thurlow as their ability would allow) had manifested, that it was their clear and decided opinion, that the royal promise must be subject to such restrictions and limitations as parliament should thereafter think fit to make respecting the tellerships of the exchequer; and, indeed, they had worded the recognition of that promise in the patent, in phrases expressly stating that such was their opinion. Mr. Fox produced an extract from the patent, and read the sentence to the committee which described the promise, and the extent in which it was intended to be fulfilled. After commenting upon the novelty of introducing the mention of any such matter in a patent, and arguing upon the conclusive argument, that Lord Thurlow's reversion was, in the sense of the late ministry, to be liable to the future restrictions and limitations of parliament, which the patent itself held out, he said he had listened with the utmost attention to what had fallen from the right honourable gentleman, and especially to the proviso he had read, with a view to discover upon what principle he meant to rest his motion. It was clear, however, that it was in that right honourable gentleman's own opinion an application grounded on no one principle whatever, nor on the smallest *scintilla* of a principle. The proviso expressly stated the exemption for Edward Lord Thurlow; nor was it in the right honourable gentleman's power to put it on any other ground whatever. The House, therefore, would consider, that in the present case, there was no grant of a reversion to plead upon: it was submitted to their consideration whether they should go out of their way to do a favour to Edward Lord Thurlow: and if they chose to adopt a proviso founded

on no principle, but merely stated as the case of Edward Lord Thurlow, they undoubtedly had a right to do so. He meant not to press his arguments upon them, nor to urge them to reject the clause, should it be moved. It was his duty to state to them what the motion really was that they were about to have made, and having done so, he should leave it entirely to their judgment to act respecting it as they thought proper. Mr. Fox, in the course of his speech declared, that he spoke from no motive of resentment whatever. Gentlemen might imagine, that certain severe reflections personally made upon him by the noble and learned lord of late, in consequence of their having a difference in respect to political opinion, and what had passed elsewhere, might have soured his mind, and rendered him adverse to the clause. He assured the committee he spoke from no such motives; and though the noble and learned lord had thought proper to say, that when the crown was stripped of its power of reward, none but desperate and needy adventurers would accept of office, he did assure that noble lord's friends, that he by no means wished to deny him any share of that affluence which he seemed to consider as so essential a qualification for office.

The proviso of Mr. Rigby was agreed to without a division. But though he was thus successful in a committee upon the bill, on the report of the Committee being presented to the House, his efforts for Lord Thurlow were less fortunate. To give the greater strength to his proviso, he had expressed it in new language, and rested it on the foundation, that in the patent for Lord Thurlow's pension, his majesty had been pleased to promise the place of a tellership of the exchequer to him when he accepted the office of lord chancellor. He did not know whether he was to call his noble friend's pretension to the exemption a promise or a bargain; but he hoped it would appear to the House, as it had convinced the Committee, that it was such a pretension as was well entitled to the protection of parliament.

Mr. Secretary Fox said, he would not object to the motion, provided any of the friends of Lord Thurlow would get up and say, that they claimed this for him as a bargain, and not as a promise. He had understood that this was admitted on Friday, and it was in consequence of so understanding, that he had given up his opposition, and consented to receive the clause that had been then moved. Let him hear the same avowed now, and he would not oppose the motion; but one of two things must be cleared up; it either was a promise or a bargain. If a bargain, as he had just declared, there could be no objection to the clause passing as now proposed; if a promise, then the sense of the House must be taken. He

pressed this the more urgently, because that House and the public had been so unfairly dealt with upon the subject. It had long been made a boast of as a great merit in the noble and learned lord, that he had accepted the seals unconditionally; and on Friday last his friends had declared the noble lord had made a bargain for a tellership as the price of the situation he quitted when he took the seals. Both these things could not be true; nor had the noble and learned lord any right to take all the merit of the one, and all the advantage of the other. He declared himself an enemy to all impostures, and therefore it was that he wanted to come at the fact. If the friends of the noble lord avowed it to have been a bargain, they had a right to the exemption. If they placed Lord Thurlow on superior ground, and said, it was (what he believed it to have been, and what his majesty himself described it to have been, in the patent in which he recognised it) an unsolicited and spontaneous promise on the part of his majesty, they stood upon very different grounds indeed, and it would be for the House to decide whether such an exemption should be made or not. If it was a bargain, the noble lord had an indisputable claim to it; if he claimed it as a promise, then surely he must take it in the words of his patent — "subject to such regulations as our parliament may hereafter adopt." For his part, he would not suffer any man to avail himself of the merit of having taken the great seal without any bargain or stipulation, and come afterwards to parliament to claim an exemption from certain regulations on the ground of having made a bargain. He denied that he had pledged himself to adopt the clause in the manner stated by the right honourable gentleman. He had, indeed, consented to receive the clause that night in the committee; but he had by no means bound himself down to agree to the amendment of that clause that should be proposed in the House on the report: nor was he now disposed to agree to it, but on one condition he had stated, and that was — let some friend of the noble and learned lord get up and avow, that the noble and learned lord had bargained for the tellership when he took the seals. He concluded by saying, that if the clause should be said to be founded on a bargain, he would not oppose it; but if on a promise, he would take the sense of the House upon it, as it was not worded according to the manner in which the promise was expressed in the patent.

The proviso agreed to in the committee was rejected by the House; and on Mr. Rigby's clause, declaring "That nothing in the act contained shall extend to affect any grant which may be

made to Edward Lord Thurlow, of a reversion of a tellership of the exchequer," the House divided:

	Tellers.			*Tellers.*	
YEAS	Mr. Rigby Mr. Kenyon	49.	NOES	Mr. Byng Mr. Sheridan	57.

So it passed in the negative. Mr. Hussey then moved the following clause, "That the officers of the exchequer shall receive no greater emoluments in time of war than in time of peace."

Mr. Secretary Fox opposed the clause; he declared, that he would not touch places that had been considered as freeholds, and negotiated as personal property. Of all the influence of the crown, he knew of no species of influence so much to be dreaded as the influence of terror. Those who professed themselves the warmest and most strenuous advocates for extending the influence of the crown of another kind, were, he believed, as adverse as he was to this influence of terror, because they knew that if it were suffered to be exercised in one instance, it would be exercised in many others, and in short that it would shake the whole kingdom. He therefore was determined to resist it wherever the attempt was made to exert it. He said farther, that in all matters of reform, it was necessary and wise to begin in as broad and intelligible a manner as possible: he presumed his noble friend had chosen in the present bill to save whole and entire the rights of all those persons, now in possession of places in the exchequer, for this reason: and to fix the time for the operation of the bill to commence, at the period of the lives of such persons as were in actual possession of the offices it went to affect. He thought the idea a wise one, and being persuaded, that any attempt to alter it would produce a bad effect, and the attempt now made the worst effect possible, he should give the motion for leave to bring up the clause his positive negative.

The clause was negatived without a division.

PUBLIC ACCOUNTANTS.

July 10.

IN conformity to the order of the House, Lord John Cavendish laid before them a book containing a "List of the Public Accountants who have received Public Money by way of Imprest, and upon Account, and who have not yet accounted for the same, and of those Persons from whom Balances of declared Accounts are still due." The moment the book was laid upon the table, and

before any one had time to look into it, Mr. William Pitt rose to make a motion upon it. He said that from the book that had been just laid upon the table, it appeared that forty-four millions of the public money had been issued to public accountants, who had not passed any account whatever for these sums before the auditors of the imprest: he did not wish to be understood to mean that such a sum was due to the public, and might be recovered; he did not believe there was even an hundredth part of it that was due or recoverable; nay, he knew that many of the persons who stood as debtors to the public, in the book then on the table, had actually passed their accounts before the treasury; nay, that in the case of contracts, the money had actually been due, before it had been issued from the exchequer, because the service to which the contractors were bound by their contracts, had been performed before the issuing of the money: but still though the money had been accounted for in substance, it had not been accounted for in form, because the accounts had not passed before the auditors of the imprest: this, he said, might be an argument against the present forms of passing accounts in the exchequer, as such a length of time must necessarily elapse before they were likely to be called for, that in the mean time the money might be dissipated. He said, that it might be proper to pass an act of parliament to operate as a *quietus* to the representatives of accountants, to whom money had been issued fifty years ago, and where the vouchers for the expenditure might, through lapse of time, have been lost; but on the other hand, it would be as proper to compel accountants of a later date to pass their accounts, and pay such balances as should be due to the public. He concluded, by moving, "that an humble Address be presented to his majesty, representing to his majesty, that it appears that large sums of money, which have at different times, and many of them very long since, been paid for public services to sub-accountants, amounting in the whole to above forty-four millions, have not yet been accounted for before the auditors of the Imprest; and that though many of them may have been otherwise accounted for in the course of office, yet others, to a very large amount, have not been accounted for at all. That it appears to this House to be of the utmost importance, that all public accounts should be brought forward with as little delay as possible, and that therefore they do humbly beseech his majesty to be graciously pleased to give directions, that the most effectual measures should be taken to enquire concerning the persons to whom the said sums have been issued, or their legal representatives, and particularly those to whom money has been issued in the course of the late expensive war, and to take measures in all cases where there shall appear to be sufficient ground to compel them in due course of law to account for the same; and that this House will in due time co-operate in such measure as may, on full deliberation, appear to be proper, in order to prevent the like delays for the future." Mr. Grenville seconded the motion. Mr. Sheridan moved two amendments to the motion. The one was to leave out the words "it appears to this House," and insert in their

stead the following, "this House having reason to believe;" the other to leave out the specific sum of forty-four millions, so that the phrase would run generally that great sums, &c. had been issued, and had not been accounted for.

Mr. Secretary Fox said, he would adopt the amendments in preference to the original motion, because he preferred truth to falsehood: it was true that he had reason to believe great sums were still to be accounted for; but it would be a falsehood to assert, when no authentic document was before the House, that "it appears" to the House, that great sums are still unaccounted for; and still more false would it be to state these sums to amount to forty-four millions. But the right honourable member probably had his views for stating a specific sum; such, probably, as those persons had, who when his noble relation (the late Lord Holland) had about 400,000*l.* of the public money in his hands, called him the public defaulter of unaccounted millions; and said, that he had forty millions still in his hands to account for. Fifty millions of public money unaccounted for, had been roundly asserted to be the sum that the motion of the 28th of February would bring to light. The right honourable gentleman, who made the motion, had now chosen to say, he had talked only of forty-nine millions, and lo! the book upon the table, in proof of the authenticity of which the House had heard so much from the other side of the House, stated only forty-four millions, of which the right honourable gentleman had himself declared, he did not think the "one hundredth part" of the sum was recoverable, or much of it due. Having put this in a point of view that flashed conviction with it, Mr. Fox took notice of the manner in which the book had been brought forward, and said, if he were obliged to pass an opinion on the fact, he should certainly declare, that his noble friend did wrong to present the book at all. His noble friend's well-known, extreme candour, and his wish on all occasions to please every person, added to the idea, that producing such a book might gratify the curiosity of the House, were certainly reasons that obviously accounted for his noble friend's having been induced to present the book at the bar. But if he had been consulted, he should certainly have advised the noble lord not to have brought it in; and he was persuaded, if his noble friend had taken more time to consider of the matter, and it had occurred to his mind, that so ill a use was likely to be made of the book, when presented, he would have been of the same opinion. After urging this very strongly, Mr. Fox observed, that it was a little extraordinary that the right honourable

gentleman who moved the address, and his friends who supported it, should so loudly and so vehemently complain that ministers were averse to enquiry, and that they were determined to oppose every proposition of reform, when neither his honourable friend who had proposed the amendments, nor any other person who had spoken in favour of them, had made the least opposition to the main object of the address. To that nobody objected. The amendments would neither prejudice or diminish it. Considered as an enquiry, with a view to prospective regulation, the book upon the table was every way adequate. If the enquiry was meant to be retrospective, undoubtedly the book was not a ground of sufficient authenticity to rest a proceeding upon. But what purpose would it answer to go into a retrospective enquiry, where there was so small a hope of benefit?

The amendments were adopted, and the address as amended, agreed to.

Address on the King's Speech at the Opening of the Session.

November 11.

THE King opened the session with the following speech to both Houses:

"My lords and gentlemen; I have the satisfaction to inform you that definitive treaties of peace have been concluded with the courts of France and Spain, and with the United States of America. Preliminary articles have been also ratified with the States General of the united provinces. I have ordered these several treaties to be laid before you; and I am happy to add, that I have no cause to doubt but that all those powers agree with me in my sincere inclination to keep the calamities of war at a great distance. — The objects which are to be brought under your deliberation, will sufficiently explain my reasons for calling you together after so short a recess. Enquiries of the utmost importance have been long and diligently pursued, and the fruit of them will be expected. The situation of the East India company will require the utmost exertions of your wisdom to maintain and improve the valuable advantages derived from our Indian possessions, and to promote and secure the happiness of the native inhabitants of those provinces. — The season of peace will call upon you for an attention to every thing which can recruit the strength of the nation, after so long and so expensive a war. — The security and increase of the revenue, in the manner least

burthensome to my subjects, will be amongst your first objects. In many essential parts it has suffered: dangerous frauds have prevailed, and alarming outrages have been committed. Exertions have not been wanting to repress this daring spirit, nor pains to enquire into its true causes. In any instances in which the powers of government may not be equal to its utmost care and vigilance, I have no doubt that the wisdom of my parliament will provide such remedies as may be found wanting for the accomplishment of purposes, in which the material interests of this nation are so deeply concerned.

"Gentlemen of the House of Commons; I have ordered the estimates of the expences for the year to be laid before you. From those you will perceive the reduction which I have made in all the establishments, which appear to me to be brought as low as prudence will admit; and you will participate with me in the satisfaction which I feel in this step towards the relief of my subjects. At the end of a war some part of its weight must inevitably be borne for a time. I feel for the burthens of my people: but I rely on that fortitude which has hitherto supported this nation under many difficulties, for their bearing those, which the present exigencies require, and which are so necessary for the full support of the national credit.

"My lords, and gentlemen; in many respects our situation is new. Your counsels will provide what is called for by that situation; and your wisdom will give permanence to whatever has been found beneficial by the experience of ages. In your deliberations you will preserve that temper and moderation which the importance of their objects demands, and will, I have no doubt, produce; and I am sure that you are unanimous in your desire to direct all those deliberations to the honour of my crown, the safety of my dominions, and the prosperity of my people."

An address in the usual form, was moved by the Earl of Upper Ossory, and seconded by Sir Francis Basset. Mr. William Pitt animadverted with great triumph on the inconsistency of the ministerial side of the House, in voting an address of thanks to the king, for having concluded definitive treaties of peace, the very transcript of those preliminary articles which they had before voted to be inadequate and dishonourable. He likewise called loudly on the minister to bring forward without delay some plan for securing and improving the advantages that might be derived from our possessions in the East; a plan, not of temporary palliation, of timorous expedients, but vigorous and effectual, suited to the magnitude, the importance, and the alarming exigency of the case.

Mr. Secretary Fox returned his warm thanks to the right honourable gentleman, and said, that few things could give him greater satisfaction than to find that both the speech and address appeared unexceptionable to him, and that they were to be honoured with his support. At the same time he could not allow that there was any ground for the triumph of the

honourable gentleman, when he exultingly observed that the present address to which the House were called upon to assent, was substantially the same with that to which, in February last, they gave a negative: the right honourable member wished to fasten on the present ministers the imputation of inconsistency; there was a circumstance that he had thought proper not to mention, which would make the inconsistency vanish. He (Mr. Fox) thought the preliminary articles such as the then situation of the country did not warrant; and yet he was ready to vote for this address; but why? because the signing of the preliminary articles had pledged the faith of the nation, and rendered the signing of the definitive treaties a matter not so much of choice as of necessity; and therefore as it had become necessary to conclude them, it was surely proper to thank his majesty for having put the finishing hand to a treaty which he could not refuse to sign, without a violation of public faith. During the last session of parliament, he had declared his opinion pretty roundly about the preliminaries of peace; he then pronounced them to be less advantageous than, from the relative situation of affairs, this country had a right to expect. He still was of that opinion, and considered the preliminary articles, in every point of view, as inadequate to our claims; and he begged leave to call back to the memory of the House the situation of our affairs at that time. In the East Indies, where our affairs had been said to be the most desperate, what had happened to make us rejoice that peace had been concluded? Had any Englishman looked to an engagement between the British and French fleets, in that quarter of the world, with any other apprehension, than that which every humane man feels, who repines at the prospect of an event by which much human blood must be shed, and uselessly too, after a peace is concluded? When any man said that our fleets had decreased, and our finances had been disordered, and then assigned these circumstances as reasons for concluding such a peace as the last, it was incumbent on that man to prove, that the decrease in the one, and disorder in the other, had taken place simply, and without being accompanied, by similar misfortunes in the fleets and finances of the enemy, for if, when it is proved that we have suffered, it is also made manifest, that the enemy has suffered in the same proportion, then the relative misfortune on our side cannot be set up as a good argument to justify the making of the late peace.

Our finances, it was true, were not in as good a state as we could wish; but in order to shew that the state of our finances pointed out the necessity of making peace to avoid a national bankruptcy, it ought to be proved that the treasury

of the enemy was in such a state as to set bankruptcy at defiance: he believed that the honourable gentleman would not think himself justified from any event that had happened this summer (alluding to the failure of the Caisse d'Escomte in Paris), to undertake to prove that the French treasury was in any such condition. It was, therefore, fair to say, that the preliminary articles did not answer the claims of the public, nor satisfy their expectations; but the right honourable gentleman's argument that these were in fact the same, and that therefore the thanks in the present instance was an eulogium on the ministers who made the peace, was not well founded; there was a little circumstance which made a material difference in the comparison. The faith of the nation was to be taken against the situation of the country. Knowing and feeling our pretentions to better terms; incapable of accepting such as we had procured; the present ministers yet ratified the treaties. They had no alternative; and therefore it was not to be stated that the cases were parallel, or that there was any comparison between the preliminary articles and the definitive treaties.

"But," it was said, "the definitive treaties might have been concluded sooner, especially as there was no difference." Certainly, if there was no difference they might have been procured sooner: but was there not great and essential difference? Were there not points obtained which more than justified, and which more than compensated for the delay of a few weeks, or even of a few months? They might have been concluded sooner perhaps; it was his opinion they might; but in this their conduct was to be judged of fairly; it must be enquired what they had gained by the delay, and what they had suffered. If they had procured certain points which were before doubtful or obscure, and that without incurring expence, certainly the delay would be approved of; and on this ground he wished the matter to be tried. If the right honourable gentleman would give himself the trouble to read and compare the preliminary and definitive treaties, he would find, that the latter were not exact transcripts of the former. There were some few variations, to some of which the noble lord who moved the address had alluded; either of which, in his humble opinion, was well worth the delay of a few weeks, or even of a few months. If the right hononrable gentleman would take the trouble to look to the 7th article in each, he would find, that by the preliminary treaty, the island of Tobago was to be ceded to France, but that no regard whatever had been paid to the protection of the Protestant and British inhabitants. Whereas, by the definitive treaty, it was evident, that care had been taken to stipulate

every condition that could be asked for the protection of those, who had no longer the happiness to be the subjects of his majesty; they were now as effectually secured as when they were so. This alone he conceived to be a matter of some moment, and worth the delay complained of. Again, if the honourable gentleman would proceed a little farther in comparing the two treaties, he will find, that by the preliminary treaty, no boundaries were ascertained for our carrying on the gum trade; whereas, by the 11th article of the definitive treaty, the boundaries were expressly laid down and described; that ambiguity and want of precision which would have been the productive source of quarrels, was removed; and it would not be easy to dispute on the meaning of the spirit of the article as now worded. According to the preliminary articles, the gum trade was to be carried on in the same manner in which it used to be carried on before the year 1755; that is to say, when it was carried on by violence, and constantly attended by acts of hostility, which daily afforded grounds of quarrel, that might possibly in the end bring on a war, that would defeat the right honourable member's laudable wishes for the establishment of a real sinking fund, for paying off some part of the national debt: — by the care taken during the late negotiation, the coast on which the gum trade might be carried on was ascertained, he hoped to the satisfaction of all the persons concerned in it; at least it was an advantage to have it ascertained. A third variation, if he carried his comparison a little farther, he would find in the 18th article, about the meaning concerning which so many doubts had been expressed in the House last session. The words, "ancient possessions," stood in the preliminary treaties as the only description of the possessions of our allies in India, without any definition as to what time the word ancient referred. In the article in the definitive treaty it would be found, that the period was fixed and ascertained by the insertion of the year 1776. These three differences, therefore, were to be urged in defence of the delay in question. But there still remained a fourth, which occasioned more trouble than all the rest, and that, though the House in general might not immediately comprehend it, the right honourable gentleman would fully understand, and that was, the settling the period for the negotiation of a treaty of commerce, which is now filled up in the definitive treaty with the words, "within the space of two years, to be computed from the 1st of January 1784," which fixes the period for the negotiation to two years. Pending the negotiation, it was reasonable to suppose the three nations would in commercial matters be bound by the treaty of Utrecht: and this

he imagined was the sense of the British ministers. But supposing the two years should expire before the new commercial arrangements should take place, a question would naturally arise, What would, in this case, become of the treaty of Utrecht? For his part, he was of opinion, that the treaty of Utrecht would, in such a case, still remain in full force; but he knew, on the other hand, that this had not been the opinion of the courts of Madrid and Versailles, the ministers of which contended, that if the negotiations should end without producing any new commercial arrangements, the treaty of Utrecht would, in that case, be completely annulled: the consequence, therefore, would be this, that Great Britain would be obliged to comply with all the requisitions of these two courts, or else adopt one side of this disagreeable alternative — either to live without any commercial intercourse between France and Spain, or to go to war with them, in order to procure advantageous terms of commerce. In either case this country must suffer: she must either consent to forego the benefits arising from the treaty of Utrecht, which had always been deemed highly beneficial; or else run the risk of losing all those blessings by a new war, which we might expect to derive from the peace. By the delay that had intervened, all these difficulties had been removed; the treaty of Utrecht, and all others between France, Spain, and this country, had been unconditionally revived and renewed; so that let the negotiations for new commercial arrangements terminate as they may, England cannot be worse than she is: if the negotiation should succeed, so much the better; if it should not, then she will find herself just where she is, in the full enjoyment of the benefits of the treaty of Utrecht, and this would be finally settled in two years from the 1st of January 1784. If no other advantage had been derived from the delay, he thought it was well compensated; and now that the business was concluded, he would not hesitate to say, that, bound as he knew the public faith to have been by the preliminary articles, he would have concluded the definitive treaties on the basis of them, if the ministers of the other belligerent powers had not thought proper to recede from the letter of them in these several instances.

He hoped that from all he had said, the House would not think the delay had been useless; and that they would acquit him of inconsistency in condemning the preliminary articles in the last session, and yet calling upon gentlemen to vote for an address that approved of definitive treaties that were founded upon them: it was proper now to carry into effect, what it might have been better for the nation had never been proposed; but having once been done, there was a necessity to

ratify it; and whatever the ministers who advised the signing of the preliminary articles might think to the contrary, he was bold to say, that from a comparison of the losses and advantages on both sides between France and England, he was convinced that the ministers of the former power had, by making the peace when they did, rendered their country as great a service as had ever been rendered by any statesman, to any country, at the end of any war.

The right honourable member was surprised that no commercial treaty with America had been signed: but, in fact, there was no ground for surprise; the late administration had not been blamed, as the right honourable member imagined, for not having produced a commercial system to parliament; but for having, in the first instance, signed the provisional treaty, without having made any stipulations in favour of British commerce; and in the next, for not having brought forward some regulations adapted to the situation of the moment, which should hold, till a general system could be formed and adopted. For his part, he was free to own, that he might have signed the definitive treaty with America sooner if he had thought it necessary; but having all along looked upon the provisional treaty as definitive and absolute, when a particular event should happen, which had since taken place, namely, the peace with France, he did not think any ratification necessary. This was the language he had held in his dispatches to our negociators: but as the other powers were of opinion, that they ought not to sign the definitive treaties, until the provisional articles should have been previously ratified, he gave way, because he did not think proper to defer the signature of the definitive treaties with the other powers, until America and England could have settled the terms of a commercial treaty; and also because he was of opinion, that the negociation might be better carried on in London or Philadelphia than in Paris. In the steps which they had taken, the utmost care and attention had been used to bring back to this country the minds, the affections, the commerce of America. The gentleman who was sent to Paris to negociate this treaty, was qualified for the task, as much from his extensive knowledge of the interests of the two countries, as from his character for integrity, and the love of freedom: his abilities in this negotiation had been apparent, and he deserved well of his country. He adverted to the measure of giving his majesty in council discretional powers for a limited time, in regard to the management of the commerce of the two countries. The right honourable gentleman's observations on that act certainly were not excited by any evil which had been ex-

perienced. No danger nor injury had as yet arisen from these discretional powers: but had they not been extended in duration, he must before now have come to parliament for fresh powers, as the system of commerce had not been settled.

The right honourable member wondered that the India business had been so long postponed. On this point he was ready to take shame to himself; for the state of our affairs in the East had for some time been such, that they could ill brook any delay. The right honourable gentleman had declared, that there were in the present ministry some, who had long ago been extremely clamorous for the adjustment of a system of government, applicable to the situation of our affairs in that quarter of the globe. In that some Mr. Fox acknowledged himself to be included: but important and pressing as the business of India undoubtedly was, he could very easily account for nothing systematic having yet been proposed to parliament respecting it: the rapid change of ministers for these last two years, was the reason why nothing had hitherto been done. Various committees, he observed, had been from time to time appointed by that House, and such infinite pains had been taken to investigate and enquire into the real state of our Indian territories; and such able and accurate reports had been made upon the subject, that no popular assembly could possibly be better informed, than that House was, relative to Eastern events, and the situation of our affairs there; but from the mere accident of the rapidly-succeeding changes of ministry, it had been impossible to do any thing essential in the business. The secret and select committees, who had so remarkably distinguished themselves by their assiduity and ability, had both originated in the administration of the noble lord in the blue ribbon: and as a learned gentleman had been appointed chairman of the secret committee, who lived at the time in great friendship and confidence with the minister, it was not to be doubted but that the learned gentleman would have proposed something material upon the subject, if his administration had not been suddenly dissolved. The short administration of the noble marquis, whose name could not be mentioned without exciting the most lively regret in the breast of every well-wisher to his country, left no time for entering upon that business; and even the noble earl, who had been at the head of the last administration, had not time to take any effectual measures to heal the wounds which former governors had given to India. The learned gentleman to whom he alluded (Mr. Dundas) lived in as much confidence with the noble earl, as he had before done with the noble lord, and certainly, if the time had not been too short, he would have brought forward resolutions on the evidence which came be-

fore him. During their continuance in office, however, it was well known that certain resolutions, touching the recall of a governor, grounded on one of the reports of the select committee, were proposed, and agreed to by the House; that the directors of the East India company ordered the recall of the governor in question; that the general court of proprietors over-ruled the resolution of the court of directors; and that dispatches were made ready upon the business at the India house, and upon being sent to the secretary of state for the home department for his inspection and concurrence, agreeably to an act of parliament, Mr. Townshend stopped them, and in his place stated to the House what he had done, and his reasons for so doing. In this, Mr. Townshend, in his opinion, had acted with great propriety; but all was anarchy and confusion, both in the East and in the direction at home. What was done by the one, was undone by the other. There was no efficacy in the system of the government, and it was indispensably necessary that something should be immediately done: but as it then lay with the House to come to some resolution upon the business, the fault, certainly, was not imputable to any one of the administrations he had mentioned. With regard to that, in which he had then the honour to bear a part, they came not into office till April; May was the earliest month that he could have brought in any bill; and when it was considered, that although that House was well instructed in the concerns of India, the other had not had the same opportunities for information, he thought it more advisable to delay the matter during a short recess, and to bring it on early in this session, than to precipitate a business so extremely important at the tail of the last, to put an end to which so general an impatience was expressed. To convince gentlemen, however, that it was his design to bring it forward immediately, he would take advantage of the full House that he then saw, and give notice, that on Tuesday he should make a motion relative to India.

The right honourable member had said, that with respect to the state of the nation, nothing ought to be kept back, but all ought to be submitted to the public eye; and that such burdens ought to be cheerfully submitted to, as should be found necessary to restore public credit, and raise such a revenue as would help to extinguish some part of the national debt. He rejoiced to hear this language from the right honourable member, because he hoped, that when the state of the nation should be laid before parliament faithfully and fully, the right honourable member would support government in laying on the burdens that should be found indispensably necessary. The public faith must be preserved inviolate; and as to all the nonsense

of taxing the funds, and such doctrines as had been broached by writers, not anonymous writers indeed, but whose names lent no credit to their works, they had his execration. It was a measure which no honest minister would take, and which, if any dishonest man presumed to take, no parliament would justify or bear. Such a measure could never be adopted in such a government as ours, where public faith and public credit were the same thing. From the general terms in which the right honourable gentleman had begun to mention the national faith and the finances of the country, he said, he had been led to imagine, that he meant to propose some enquiry that would keep the subject at a distance; but the right honourable gentleman had afterwards, in a manly and open way, declared the proper remedy to be applied. It was to look the situation of the country in the face, to determine to meet the difficulty, great as it professedly was to provide for it, be the burden ever so grievous; and to take care that the debt, funded and unfunded, be ascertained; and neither to conceal the true state of it from the people at large, nor, what was still more unwise, to conceal it from themselves. There was a maxim laid down in an excellent book upon the Wealth of Nations, Mr. Fox said, which had been ridiculed for its simplicity, but which was indisputable as to its truth. In that book it was stated, that the only way to become rich, was to manage matters so, as to make one's income exceed one's expences. This maxim applied equally to an individual and to a nation. The proper line of conduct, therefore, was by a well-directed economy to retrench every current expence, and to make as large a saving, during the peace, as possible. Nor was this all: he would freely own that his wishes went much farther. He should not think a prospect of recovery was opened, and the country likely to be restored to its former greatness, unless ministers contrived some means or other to pay off a part at least of the national debt, and did something towards establishing an actual sinking fund, capable of being applied to a constant and sensible diminution of the public burdens. To such a purpose he should most studiously direct his attention; and he trusted, whatever might be the right honourable gentleman's private opinion upon politics, the right honourable gentleman would lend his support to make a strong government, by which he meant not a strong administration, for the thing was the same, let who would be ministers. In order to effect, however, this great, this desirable end, the dread of unpopularity must be surmounted, and the ministry who flinched from the business upon so narrow-minded a principle, would not deserve support. The great difficulty lay in drawing the line, and distinguishing how far the pub-

lic, in time of peace, could bear to be additionally burdened, or how far it was prudent for ministers to go. It might be contended, that the people ought not to be so far pressed, as to deprive them of all elasticity and vigour in case of the chance of another war. This argument had its weight to a certain degree; but he should think it better policy to make them temporary than lingering sufferers. If that House would but have the fortitude to lay aside local prejudices, and the fear of a momentary unpopularity, and would look only to the general welfare, the path to prosperity would be considerably smoothed, and the national prospect would brighten apace. Whenever the present ministry were found to shrink from their duty in this respect, he desired the House to withdraw their support; but it depended upon parliament to give execution and effect to the plans that ministers should propose. He wished, however, most earnestly to impress this idea upon the minds of the House, that strengthening the hands of government, was not strenghtening the present administration. It was not a matter of party, or of one side of the House against another. It was essential to the deliverance of the empire; and he was ready to declare his opinion, that though our affairs were deranged and bad, they were not desperate. He did not view them with the melancholy eye that some men were fond of considering them with, nor would he venture to propose the remedies which were suggested. The funds, he said, were unexpectedly and unreasonably low; they ought not to be as they were: but at the same time he did not indulge the illusive hope, that they would suddenly rise, and stand at a much higher price. This, however, he was convinced might be done; our expences might be brought considerably within our revenue: and this was the project; the easy, simple, practicable project upon which he would rely, in preference to all the sanguine schemes, and to all the desperate remedies, which weak men in their ignorance might suggest. It was that which would give permanency and actual use to the sinking fund, which would leave it annually at the disposal of parliament, to be appropriated as the necessities might require. To attain this durable situation, great reforms must yet be made, and much must depend on the virtue, constancy, and ability of government. If he could indulge himself with the idea, that the unanimity of this day, an unanimity which gave him the most sensible delight, was the earnest of future temper, moderation, and union—if he could see the prospect, that the spirit of dissention was at length to give way to the necessities of the country, and that at least they were to suspend their personal animosities till the deliverance of

the country was accomplished, he should, indeed, be warm in his expectations, and believe that a very few years would behold us in renovated strength and splendour. He thanked the right honourable gentleman for his conduct on that day; and professed his happiness, that the speech from the throne, and the address in return to it, met so cordially with the approbation of gentlemen from all sides, and that the address would be carried to the throne with unanimity.

The address was agreed to without any amendment or division.

MR. FOX'S EAST INDIA BILLS.

November 18.

MR. Secretary Fox moved, that an act, made in the 13th year of the reign of his present majesty, entitled, "An act for establishing certain regulations for the better management of the affairs of the East India company, as well in India as in Europe:"—an act, made in the 20th year of the reign of his present majesty, entitled, "An act for continuing in the possession of the united company of merchants of England trading to the East Indies, for a farther time, and under certain conditions, the territorial acquisitions and revenues lately obtained in the East Indies; and for reviving and continuing, for a farther time, so much of an act, made in the 13th year of the reign of his present majesty, entitled, an act for establishing certain regulations for the better management of the affairs of the East India company, as well in India as in Europe, as hath expired in the course of the present year; and for indemnifying the said company for any money they have paid, or may pay, in or about the building of three ships of the line for the service of the public:"—the resolutions which, upon the 29th day of April, 1782, were reported from the committee of the whole House, to whom it was referred to consider farther of the several reports which had been made from the committees of secrecy, relating to the affairs of the East India company, and which were then agreed to by the House, together with the proceedings of the House thereupon:—and the resolutions which, upon the 16th day of May, 1782, were reported from the said committee of the whole House, and which, upon the 28th day of the same month, were agreed to by the House, together with the proceedings of the House thereupon, might be read; and the same being read accordingly,

Mr. Secretary Fox rose again. He said, that in the state of responsibility in which he was going to put himself by

the proposition he should have the honour to move, he felt much comfort and consolation in this circumstance, that the measure to which he should call the attention of the House was one not of choice, but of necessity: it was no idle speculation on his part; the business forced itself upon him, and upon the nation; and if he even would, he could not avoid or defer the discussion of it. The deplorable situation of the East India company was well known, and universally admitted; their extreme distress, and the embarrassed state of their affairs, not only called for the aid of government, but required its immediate assistance, as the only possible means of averting and preventing the final and complete destruction of the company's interests, and with them, of materially injuring, if not entirely ruining, the interests of the nation, as far as they were connected with our territorial acquisitions in India. These circumstances being undeniable, arduous and difficult in the extreme as the task he had set himself to perform that day undoubtedly was, it was some consolation and some satisfaction to him to know, that he was merely discharging an act of indispensable duty as a minister, that there was no choice or option before him, that he was not about to obtrude any idle, visionary, or speculative projects of his own upon their notice, but was in the act of offering to the consideration of parliament the best propositions for the preservation of the India company, and the restoration of the welfare of their concerns, that his most deliberate attention could suggest; and that he did it, for no other reason upon earth, than because the necessity that called for it was so urgent, that it pressed itself forwards, irresistibly, and as a matter that would not admit of farther delay. Did any man doubt the truth of this assertion, he had only to take a retrospective view of the proceedings of that House during the last two years: the many abuses in the government of the territories under the management of the East India Company had been so severely felt, that parliament had found it necessary to institute enquiries, by which the source of the abuses complained of might be found out, and proper remedies devised, and applied to them: committees had been appointed; their researches had been pursued with uncommon industry, and their reports contained a body of information so complete, that, perhaps, the like had never been laid before parliament. He observed, that the two committees had been of different constitutions and complexions; that men perfectly indifferent to each other, and unconnected by any tie of politics or party, had set upon each; that the labours of the two committees had consequently been conducted with impartiality, and that

their prudence was perfectly astonishing, the magnitude of the information they had laid before the House, as well as the very great ability and precision with which it was stated, infinitely exceeding any expectations, however sanguine, that could possibly have been entertained respecting them by any description of persons either within doors or without. He pointed out the different mode of proceeding adopted by each committee, stating, that one of them (the secret committee) had not only made ample reports of the result of their enquiries, but come to certain resolutions as the necessary deductions from their reports, to which that House had agreed, and which it had in due form ratified and authorised. The other committee (the select) had pursued a different method, and perhaps not a less useful one. They had contented themselves with furnishing copious reports from time to time, full of information, and had left it to the House to draw their own inference from the premises laid down in those reports, and to act upon them as to their wisdom should seem meet. Both these committees had agreed, however, in one essential particular; each of them declaring, that the farther they proceeded in their enquiries, the more it became evident that all the distress and difficulty of the company were ascribable to the disobedience of the orders of the court of directors, and the rapacity of the company's servants in India. The resolutions come to by the first committee, (the secret one, which he had no other reason for calling the first committee, than that it was now at an end,) carried in them principles to which he gave his most perfect acquiescence, because they appeared to him to be principles of justice, of humanity, and of sound policy; but they necessarily implied this corollary — as they in all probability ascribed the disorder in the company's affairs to the true causes, certain specified facts stated in the resolutions, so it appeared to be incumbent upon that House to inflict punishment upon the authors of the mischief incurred by those facts. This unfortunately threw additional embarrassment upon the task, the arduous task, of a reform of the system of governing our territories in India, by involving personal considerations in one of the most important questions that could engage the attention of parliament.

A learned gentleman, who had been chairman of one of those committees, (Mr. Dundas,) had moved, that it was the duty of the directors of the East India company to recall Mr. Hastings from the government of Bengal. The House very readily and very properly passed the motion; judging, no doubt, that it would not be expedient to condemn the system lately pursued in India, without fixing some mark of disapprobation on the person who had been the soul of the

system; the directors, in obedience to the sense of the House, expressed in this motion, resolved that Mr. Hastings should be recalled; but not thinking they had a power to decide finally on this subject, they laid their own proceedings before the court of proprietors. For his part, he was of opinion that the directors might, without any violation of law, have issued their orders for a recall of Mr. Hastings, without consulting the court of proprietors; he nevertheless was aware, that a contrary opinion was entertained by many; the event, however, proved, that it was necessary the constitution of the society should be amended, that inconveniencies similar to those which had happened should not occur again. The court of proprietors resolved, that the order made by the court of directors for the recall of the governor-general should be rescinded; the directors obeyed the sense of their constituents, and having made up their dispatches accordingly, carried them to the secretary of state, (Mr. Townshend,) to be reviewed by him; that gentleman, finding them so opposite to the sense of the House of Commons, would not suffer them to be sent out to India: and the House having met a few days after, he stated to them the transaction. In the whole of this proceeding, Mr. Townshend acted with the strictest propriety; an act of parliament authorised him to examine the dispatches of the court of directors, and to suppress the whole, or such parts as he should conceive to be likely to produce pernicious consequences to the public, and availing himself of the power with which the law had vested him, he stopped the dispatches, which contained an account of the proceedings of the court of proprietors, because he found them so completely contradictory to the sense of the House of Commons, expressed in their vote.

But what was in the mean time the situation of the company's government in India? It was critical beyond description; nay, it was a government of anarchy and confusion. The governor-general himself, who was the principal subject of the dispatches, was left in a situation in which even his enemies must pity him: the whole continent of India had been made acquainted with the resolution of that House for recalling him; and the resolution of the court of proprietors, by which he was to be secured in his government, was not transmitted to him, but was kept back: so that in fact he was in a place of eminence without authority; and of power without energy. Would any man of sense wish that a governor-general of Bengal should remain in such a situation? Could the affairs of the company prosper in such a state? They certainly could not; and therefore it would be the duty of parliament to prevent the possibility of such another occur-

rence, as had reduced them to that state. But this could not be prevented, while the act for regulating the government of India should remain in its present condition. By this act, it was in the power of the court of proprietors to defeat the very best measures that the directors, in conjunction with the servants of the crown, should take. If the directors wished to punish disobedience in one of the company's servants, and therefore to recall him, they were obliged first to apply to his majesty's ministers; but their consent was not, according to the opinion of the day, sufficient; so that after it should have been obtained, it was still necessary to submit the whole to the court of proprietors, who might, if they pleased, undo all that had been done by the ministers and the directors; nay, defeat the purposes of the united wisdom of the nation and parliament, expressed in their votes.

Besides these contradictions, another had lately occurred: the court of proprietors had voted their thanks to Mr. Hastings; those thanks must be communicated to government, who, acting under the spirit of the resolutions of the House of Commons, could not perhaps suffer them to be conveyed to India. This naturally led him to consider the character of the men who generally were in the direction, and held East India stock, with the nature of the connection between a governor-general and his principals. In the direction there were generally two description of men; those who, being real proprietors, endeavoured, by promoting the trade of the company, and increasing its revenues, to make the most of their stock: the others were persons who had become proprietors, not for commercial, but for political purposes: how, by what means, and for what end, such persons purchased stock, he thought it unnecessary to state to the House. Those who looked to political connections, could not gratify their wishes more than by supporting a governor-general, in whose hands was lodged so great an opportunity of obliging his friends. Those whose sole object was to make the most of their money, were generally inclined to support that governor, through whose means the directors were enabled to make large dividends; the circumstance of large dividends might at first view appear to make greatly in favour of a governor; but on a serious investigation, it might be found to be highly criminal in him; for seeing that, after having robbed the people committed to his care, and peculated for his own private advantage, there was no other way to prevent his principals from calling him to account, but by raising their dividends; for this purpose, the poor unhappy natives must undergo a second fleecing for the benefit of the proprietors: so that they were to be robbed first, to enrich their governor,

and afterwards they were to be plundered, to furnish means to prevent a discovery of his peculations. He was not surprised that even the most honest directors should not venture to put an end to such infamous practices, by which a disgrace had been brought upon the British name in India: while man was man, he would be subject to the infirmities of his nature. The directors wished not to offend the court of proprietors, to whom they owed their situations; and the proprietors would never be easily persuaded to sacrifice servants by whom they were enriched: thus, however, the dearest interests of the country were sacrificed, and its honour tarnished, while no power in law existed at present by which the former might be preserved, and the latter retrieved. From these considerations alone, the House must agree with him upon the necessity of the interference of the legislature, if there was a wish that our possessions in India should be secured to us. But if parliament was desirous to avoid all interference, they would find it at present impossible: the business pressed itself upon them; and not only they must interfere, but they must do it without delay.

The state of the finances of the East India company was as deplorable as that of the internal government of their territorial acquisitions. Gentlemen would remember that the company had applied last year to parliament for pecuniary assistance: they called for leave to borrow 500,000*l.* on bonds; they had petitioned for 300,000*l.* in exchequer bills; and for the remission or suspension of a demand upon them on the part of government for 700,000l. due for customs. It might be remembered also, that according to an act of parliament now in being, the directors cannot accept bills drawn in India to the amount of more than 300,000l. unless they shall have first obtained the consent of the lords commissioners of his majesty's treasury; the reason of this power being lodged in the commissioners was, that possibly by some unavoidable circumstance it might happen that the drafts on the company might some time exceed in a small degree the above sum, and therefore they were vested with a discretionary power to grant their consent to the acceptance of the directors, for a larger sum than 300,000l. when it should appear to them advisable so to do. The House would probably be astonished when they should hear, that notwithstanding the legal restriction to accept bills for no more than 300,000l. without the consent of the lords of the treasury, there were bills actually coming over for acceptance to the amount of two million sterling. The lords of the treasury having been apprized of this singular circumstance, had very prudently refused to give their consent that the directors should accept bills

for so enormous a sum, and very properly referred them to parliament.

Here was another circumstance that proved, as clear as day, that government was not impertinently, rashly, or unnecessarily intruding into the management of the company's affairs: if government was now stepping forward, it was for no other purpose but that of saving the company from bankruptcy: for if they went on in this course they must sink; and nothing but that interference could preserve its existence. This was not a rash assertion, the state of the company's finances would bear woeful testimony to the truth of it: the company owed 11,200,000*l.*, and they had stock in hand to the amount of about 3,200,000*l.* towards paying this immense sum; and when deducted from it, there would still remain a debt of 8,000,000*l.*, a sum to the highest degree alarming, when compared with the capital of the proprietors. Mr. Fox said farther, that when the lords of the treasury consented to exercise the discretion vested in them by the act he had alluded to, let the degree in which it was exercised be what it might, he considered them as pledging the public faith for the payment of the bills, the acceptance of which they permitted; and therefore it behoved them to act with infinite circumspection and prudence. In the present case, the sum was extremely large; it was nevertheless obvious, that the credit of the company was a matter of a very delicate nature; if they were not assisted, they must unavoidably be ruined, and the ruin of a body of merchants, so extensive in their concerns, and so important in the eyes of all Europe as the English East India company, must necessarily give the national credit a very great shock indeed. On the other hand, to give them the requisite assistance, without first examining their affairs, and setting them to rights, and without forming and enforcing a new system of management for the future, better calculated to promote their prosperity, and relieve them from the bankrupt condition in which they at present unquestionably stood, would be only to throw away the public money, and for that House to proceed to take the last shilling out of the pockets of their constituents, to lend it to those whose notorious want of ability to manage their affairs had already brought them to the brink of destruction; and afforded but little ground for expectation of better care for the time to come.

It might naturally be supposed, therefore, that he did not think for a moment of adopting the easy alternative of lending them the money they wanted, and thus getting rid of the difficulty for the present. The nature of the case required a very different mode of proceeding. He would not have gentlemen

to be led astray with the idea, that the public had no right to take upon themselves to check or controul the government of the company's settlements: for his part, he knew too well the great interest the public had in the welfare of the Company, ever to subscribe to any such doctrine. What was the whole amount of the dividend to the proprietors? About 256,000*l.* And what sum did the nation derive from the customs paid by the company? Above 1,300,000*l.* The people of England therefore had a much greater stake in the business than the proprietors of the company. If the bills for two million, which were shortly expected, should return protested, what would all Europe, Asia, and the world say, but that the people of England were bankrupts, or they would not have suffered the bankruptcy of a company, which paid them 1,300,000*l.* a year? The conclusion would be natural; and therefore the credit of the nation was deeply interested in the support of that of the Company. It was his intention, then, in the bill or bills that he should have the honour to move for leave to bring in, to authorise the lords of the treasury to consent that the directors shall accept the bills for 2,000,000*l.* that were on their way to England: the public on this occasion must give effectual support to the company; and therefore he would have it understood that the nation by these means would become a collateral security, and be liable to pay the whole, if the company should not be able to take up or pay all debts. Thus he hoped to save the sinking credit of the company for the present; but it would not be sufficient to do this, without taking such steps as should guard it in future against the same causes, that had reduced it nearly to a state of bankruptcy.

If he were totally unacquainted with the transactions in India, which had brought on the company's calamities, he was of opinion that he could argue, *à priori*, that they would happen; because, from the constitution of the company, nothing else could happen. But, with the mass of evidence that the secret committee had laid on the table, it would be madness to persevere in a system of government that had been attended with such fatal consequences. It had been truly remarked by a learned gentleman last year, (Mr. Dundas,) that if a man wished to read the finest system of ethics, policy, and humanity, he would find it in the letters of the court of directors to the company's servants abroad; but if the reverse of all this should be looked for, it might be found in the manner in which the orders of the directors were observed in India; for there, inhumanity, false policy, peculation, and brutality were to be discovered in almost every step;

orders were given on one side; they were disobeyed on the other; and the whole was crowned with impunity.

When the House thought proper to condemn the system pursued in India, it was a necessary corollary that some mark of disapprobation should be expressed relative to men as well as measures; it was not however his intention to enter into a detail of charges against any man; accusation was by no means his object; but it was not possible to illustrate his observations without occasionally mentioning names. With respect to disobedience of orders, there were two very singular instances, which he could not pass over unnoticed. The supreme council of Bengal had, by a vote on which the governor-general had been left in a minority, resolved to send two gentlemen, Mr. Fowke and Mr. Bristow, to reside, the one at the court of the rajah of Oude, the other at that of the rajah of Benares. The governor general, however, refused to send these two gentlemen to the places to which they had been destined; the directors transmitted to him the most positive orders to send them. Mr. Hastings thought proper to disobey them; and went so far as to say, that he could not employ them in negotiations, because he had no confidence in them. Mr. Scott, agent in England for Mr. Hastings, said, on his examination before the committee of that House, that to force these two gentlemen on Mr. Hastings, was much the same as if opposition in parliament should force a minister of the crown to send abroad an ambassador, in whom he could not repose confidence: so that, according to this doctrine, the court of directors, who were in fact Mr. Hastings' masters, were to be considered in the light of an opposition, and resisted accordingly. What, he said, must be the state of that government, when the servants were bold enough to consider the power by which they were invested with authority, as an opposition inimical to them? But the subsequent conduct of Mr. Hastings towards one of those gentlemen, in whom he could place no confidence, was curious indeed; for he was pleased to give a contract to Mr. Fowke for furnishing oats, with a commission of 15 per cent. which he observed in one of his letters was a great sum, and might operate as a temptation on him to protract the negotiation of peace; but, added he, "the entire confidence I have in the integrity and honour of Mr. Fowke, are a full and perfect security on that head."

To evince the difficulty of recalling their servants, he stated, that in 1776 it was the resolution of the company to recall Mr. Hastings; but his agent standing up, and in his name announcing his resignation, it was accepted as a milder mode

of dismission or recall. It afterwards happened that Mr. Hastings disavowed the assertion of his agent, and thus two or three years elapsed, and the recall was never effected. As a proof of the disobedience of the company's servants with respect to the orders of the court of directors, Mr. Fox mentioned various cases that were well known.

The affair of the rajah, prince, or zemindar of Benares afforded an instance of breach of public faith, which would for ever be a blot upon the character of the British nation. The territories of this prince had been declared to be vested in him, on condition of paying to the vizier a certain fixed and stipulated tribute. The vizier thought proper afterwards to enter into an agreement with the company's servants, by virtue of which the vassalage of the rajah of Benares was ceded to the company; so that he thereby became tributary to it, but precisely on the same terms that he held his territories of the vizier; the tribute, and the conditions on which it was to be paid, were precisely the same; so that the company stood on no better grounds than the vizier, and the rajah did not stand on worse. Mr. Hastings, on that occcasion, wrote to the English resident at Benares, and authorised him to assure the rajah that no farther tribute should be exacted, nor should it on any future change of government be enlarged. The governor-general's letter on this occasion was a perfect model of elegance; it breathed humanity, justice, and honour in every line; but, alas! the humanity, justice and honour of Mr. Hastings towards Cheyt Sing, the name of this unfortunate prince, were to be found only in his letter; his conduct disclaimed them: the tribute was regularly paid; and yet, contrary to the very tenour of his letter, Mr. Hastings called upon Cheyt Sing during the war for five lacks of rupees: they were paid; a second requisition for a similar sum was made, and complied with; as was also a third: the governor-general made a fourth demand of five lacks; but the prince was not able this time to comply with it: and the governor hearing that the money could not be procured by fair means, went in person into the territories of Benares, seized them for the company's use; and the unfortunate prince, Cheyt Sing, driven from his dominions, was at this moment a wanderer and a vagabond in the world. This unfortunate rajah referred to the governor-general's letter, to shew that the demands that had been made upon him were contrary to the assurance contained in that letter; but Mr. Hastings, disclaiming his letter, referred to the instrument, by which he promised to pay the tribute: in that there was no mention of an assurance that the tribute should never be higher; to this it was replied, that a clause had been at first inserted in the instrument to annul all former agree-

ments, and consequently the original agreement by which the rajah of Benares bound himself to pay tribute to the vizier, and which agreement had been made over to the company; to this clause the rajah objected; and it was struck out; consequently he had a right to conclude, that the original treaty with the vizier, by which the *quantum* of the tribute was ascertained, and which he assigned over to the company, remained still in full force; and he was the more founded in this opinion, as the governor-general's letter was as explicit on this subject as Cheyt Sing could have wished; but Mr. Hastings, still sheltering himself behind the letter of the instrument, said, with Shylock, "I do not see it in the bond." Here was a most flagrant breach of national faith; for he (Mr. Fox) held the faith of the company to have been as strongly pledged to Cheyt Sing, by the governor's letter, as it was possible to pledge it. The affair of the begums of Oude was another circumstance in which the honour of the nation had been wounded. These two princesses were the mother and the grandmother of the vizier of Oude, and the lands assigned to them for their support had been guaranteed to them by the company; and yet, notwithstanding this guarantee, the vizier was permitted by Mr. Hastings to dispossess the princesses, and strip them of their dower.

It appeared from all the letters and orders of the court of directors, that the uniform tenour of their instructions to their servants abroad was to conduct their affairs with a view solely to commercial purposes, and not with any view to aggrandisement; whereas it was evident that the latter had been the chief object of the company's servants. In proof of this, he mentioned the Rohilla war, as another instance of the lengths that the company's servants may carry injustice; the rajah of that country was persecuted with fire and sword, and his territories laid waste, for no other reason, that he could discover, but that his country had always been, what it always would be, a perfect garden. The Mahratta war was another source of calamity to the company, and another instance of the disregard which was paid to the spirit of the system laid down by the directors, of pursuing commerce, and not acquisition. He would not say that it was begun by Mr. Hastings; it certainly took its rise from the presidency of Bombay; but it was adopted by him; and he would not say that the terms of the peace with that people were such, as the merit of having made it ought to outweigh the demerits of having engaged in the war; certain it was, that this new treaty was infinitely less advantageous to us than that of Poorunder, which had been broken. He added a case, if possible, still more inhuman; and declared, that in the statement of these particulars, he had been actuated

by no personal enmities, nor did he aim at any restrospective views. His eloquence in this part of his speech was truly great and masterly.

Having stated these various grievances and abuses in the government of India, his next object was to point out the remedies that he intended to apply to them. He declared, nothing but strong measures could possibly be expected to effect a thorough reform. Strong, however, as the system was which he should have the honour to propose; abundantly too harsh as he was aware it would be thought by some, it was a palliative, an emollient, a half measure compared to the idea of leaving things in their present condition. He hoped, therefore, the House would, on this occasion, take the advice given by a right honourable gentleman on a former day; that they would look their real situation with regard to India in the face; that they would examine it thoroughly, view its deformity, and proceed with firmness to adopt and enforce that application, and that remedy, which the inveteracy of the case required.

With regard to the existence of great defects in the present system of governing India, and the dangerous and deplorable extent of the mischiefs and abuses arising from those defects, the House, Mr. Fox observed, were well acquainted. The great difficulty lay in chusing the mode of remedying the defects that had been so fully ascertained. On former occasions, doubts had been started on this question; To whom belong the territorial acquisitions in India? Many, and grave persons, were of opinion, that they belonged to the crown; and they argued, that it was absurd that a body of merchants should be supposed capable of managing and governing great territories, and entering into all the mazes and refinements of modern politics. He was aware also, that very weighty persons had, on the other hand, maintained, that the territories belonged of right to the company; and they retorted very justly, saying that it was equally absurd to suppose that mere statesmen were qualified to enter into, and conduct the complicated branches of a remote and difficult trade. To this latter opinion, he was himself inclined to lean. His idea, therefore, with regard to India, was to form a mixed system of government, adapted, as well as the nature of the case would admit, to the mixed complexion of our interests in India. He was willing, in the first instance, to leave the question of right to the territorial possessions just as it now stood, that was to say, undecided. It was generally thought, that if government should even take the territorial possessions into their hands, they would be under the necessity of keeping up a company to carry

on a trade, by which alone the revenues of India could be converted to the benefit of Great Britain.

His plan was to establish a board, to consist of seven persons, who should be invested with full power to appoint and displace officers in India, and under whose control the whole government of that country should be placed; the other class to consist of eight persons, to be called assistants, who should have charge of the sales, outfits, &c. of the company, and in general of all commercial concerns, but still be subject to the control of the first seven. The board he would have held in England, under the very eye of parliament; their proceedings should be entered in books for the inspection of both Houses. Their servants abroad should be obliged to make minutes of all their proceedings, and enter them into books to be transmitted to Europe; and if ever they should find themselves under the necessity of disobeying an order from the board, (and he was ready to admit, that cases might occur, when not only it would not be blameable to disobey orders, but when disobedience would be even meritorious,) a minute should be entered, stating the reason of such disobedience: and on the same principle, he meant to oblige the council at home to make minutes of their reasons, as often as their orders should not be complied with, and they should not immediately recall the servant who had disobeyed their instructions. This, he was aware, was new, when applied to the common course of business; but the long practice of it by the India company had proved its utility.

He meant to lodge a discretional power with the council, which their responsibility would require. If it appeared to them, that a servant of the company had acted in disobedience of orders from home, from the immediate exigency of affairs, or that he had an obvious good intention in so doing, or that it was for other reasons inexpedient to recall him, they should be obliged to assign in a minute, as short as they pleased, why they did not recall him, and thus avow what they would justify as the expedient grounds of their conduct. This would ensure security to the commissioners, and oblige them to act on motives of necessary precaution. The company's servants abroad were already in the habit of entering minutes, and it was a custom of infinite utility; for if no such custom had existed, India would have been unavoidably lost to us; for we never should have been able, without these minutes, to trace the melancholy effects up to their true causes.

For the present, he intended that parliament should name all the persons who should sit at this board; but then it should be only *pro hâc vice*: he felt already the inconvenience of parliamentary appointments; for at present the governor-general

of Bengal, deriving under an act of parliament, seemed to disavow any power in the court of proprietors, directors, or the king himself to remove him. He would have the board to be established for three or five years; or for such a length of time as should be thought sufficient to try the experiment, how far this new establishment might be useful. When that should be known, if experience should have proved its utility, then he proposed that in future the king should have the nomination of the seven first. If any of the eight assistant counsellors should die, the vacancies should be filled up by the court of Proprietors. A learned gentleman (Mr. Dundas) in the bill he brought into parliament last year, proposed to give the most extraordinary powers to the governor-general of Bengal; he at the same time named the person who was to fill that office. The person was Earl Cornwallis, a nobleman whom he (Mr. Fox) named now, only for the purpose of paying homage to his great character; the name of such a man might make parliament consent to the vesting of such powers in a governor-general: but certain he was, that nothing but the great character of that noble lord could ever induce the legislature to commit such powers to an individual, at the distance of half the globe. In this plan the greatest powers might be intrusted with the board, because the members of it would be at home, and under the eye of that House, before whom their proceedings must be laid. The learned gentleman had intrenched his bill behind the character of Lord Cornwallis, but he (Mr. Fox) would not mention a single name that he intended to insert in his bill: not because he was afraid they should not be found most respectable; but because he wished the bill might rest for support on its own merits, and not on the characters of individuals.

There were other points on which he had formed an intention to touch, and for which he must bring in a second bill, in aid and reinforcement of the first. An absurd opinion seemed to prevail in Indostan, that all the lands belong absolutely to the emperor, and that therefore they may be disposed of at pleasure. Upon this principle it had been customary to turn the ancient zemindars, land-owners, or gentry of the country out of their possessions, if others were found who would pay more for them. This was a destructive custom, built on an absurd and erroneous opinion; it destroyed agriculture and improvements, and took away that stimulus to the acquisition of property, the consciousness that it would be permanent: his plan would be, to enact, that upon the payment of certain fixed rents or tributes, the landholders should enjoy the undisturbed possession of their lands, which no power should take from them; and in this he trusted he should be most

powerfully seconded by the humanity and justice of parliament.

He stated also, as a very important object of his bill, and which stood much in need of correction, the practice of the company's servants receiving presents from the Indian princes, and others, the dependants on the company. This was, he said, the grand original, the *primum mobile* of all the rapacity, disobedience, injustice, and cruelty, that had disgraced the British government in India. In vain had the court of directors sent over injunction after injunction, to forbid the company's servants from taking any present, on any pretence, from the Indian princes and zemindars. In vain had an express act of parliament passed to forbid the practice. The orders of the court of directors, the acts of the British legislature, were held in equal, and the most supreme contempt at Bengal. A stronger proof of this could not be adduced than the conduct of Mr. Hastings, who had accepted various presents, and among others a present of one hundred thousand pounds from a rajah, who, at the very time, stood deeply indebted to the company, and who pleaded the most abject distress, in excuse for not paying the company what he owed them. This hundred thousand pounds, it was true, Mr. Hastings had afterwards brought to the account of the company, but it was a considerable time first, and in the interim he had lent it to them upon bond, and charged a high interest; nay, such was the opinion of Mr. Hastings himself upon the transaction, that he had written home word to the court of directors, "that he did not know whether he had any particular motive that had influenced him to accept this present, but if he had any at the time, it was really out of his mind." Mr. Hastings's agent, Mr. Scott, had also told the committee, when examined by them, that it was better worth the while of the rajah of Oude, to make Mr. Hastings a present of one hundred thousand pounds, than to pay any part of his just debts to the company. Mr. Fox laid great stress upon the whole of this narration, and urged it as a glaring proof of his former opinion, that the servants of the East India company in India were thought by the natives to possess more power than their masters, and that it was evident they held the orders of the court of directors, and even the acts of the British parliament, in sovereign contempt.

Another point to which he designed to direct the correction his bill was intended to administer, was, to the abolition of all monopolies. These he stated to be extremely unfair in the first instance, extremely pernicious, and as tending to consume the vitals of commerce, rather than to feed, to cherish, or to lend it vigour. He mentioned the monopoly for opium, that had been given to the son of a late

chairman of the East India company, who sold the contract for a considerable premium the very same day, and in consequence, the trade for opium was absolutely lost to the company. It had been often suggested, that it would be advisable to give to the Gentoos the laws of England; but such an attempt would be ridiculous and chimerical; the customs and religion of India clashed too much with them: but though the laws could not be established among them, yet their spirit and efficacy might; and this great principle might be carried into effect, that no man should be deprived of his lands, while he fulfilled the conditions under which he held them. It might be proper to have a retrospect here, and to restore all those who had been dismissed since any given period; for instance, since 1772, and to bind them to the payment of such rents or tributes as they paid at that period. He had turned his thoughts also to the devising of some means, whereby criminals in India might be brought to justice here, a circumstance of the greatest importance. On this head, he had heard different opinions: some thought that the laws already in being were perfectly adequate to that end; while others insisted, that they were wholly insufficient; and therefore that there was no other mode of prosecuting such criminals, but by bills of pains and penalties. All those who had been witnesses to the proceedings of last year, would agree with him, that this was a wretched inefficient mode to resort to. He had thought of establishing a permanent tribunal for trying such criminals; but he felt very strong objections to such an institution: gentlemen would conceive, that it would be difficult for such judges to resist the attacks of friends and relations; and it would therefore be improper, if solicitations should prevail, to send a criminal to be tried before that court. The matter was full of difficulties; and he was ready to own, that he was not prepared as yet to bring in any bill on that subject; not only because he had not the assistance of the two great law officers of the crown, who were not at that moment members of the House, but, in fact, because he had not yet been able to arrange a plan that could please himself. He owned he had an idea in his mind on the subject, but it was not sufficiently matured for the House to be made acquainted with it.

He begged that, in the discussion of the bills he should move for leave to bring in, gentlemen would not involve two things that were perfectly distinct; the merits or demerits of the bills, and the merits or demerits of Mr. Hastings. This was not a day of trial for that gentleman: the bills had no retrospect; not but he was ready to own, that upon the readiness he should find in the House to receive his bills, it de-

pended whether there should be a retrospect or not. At present, there was no connection between the bills and Mr. Hastings: he might be the most honest, upright, humane, and just governor that ever existed; and yet the bills proposed might be highly proper. On the other hand, he might be the most corrupt peculator, and the most cruel and unjust governor that ever cursed the plains of Indostan; and yet the remedy proposed in these bills might be found inadequate. All he asked was, that they might be considered by themselves, without any reference to any man. If influence on this occasion should manifest itself, the consequences might be alarming: no future governor would ever go to India, without looking to influence in that House; and if the day should come, when the whole force of patronage in India should be employed for the purpose of creating influence in that House, what would become of India? Peculations there would be protected here; and the plunderers would be protected by the sharers in the plunder. He trusted that gentlemen in general would meet the question fairly, and not make that a personal consideration, which had nothing personal in it. The influence of the crown, they had been used to say, was too great. He thanked God it had been considerably diminished; but the influence of the crown, in its most enormous and alarming state, was nothing, compared to the boundless patronage of the East India government, if the latter was to be used in influence of that House. The country was lost indeed, lost beyond all hope or possibility of recovery, if the boundless patronage of the East was to be employed, to prevent government from making a reform, called for in the loudest manner, and urged onwards by the most immediate and most pressing necessity. He spoke not this from a fear of the influence to which he had alluded; he trusted no attempt would be made to exert it in the present instance; because if a minister was afraid to come down to the House, and propose a measure, grounded on the most urgent necessity, there would at once be an end of all government.

At the same time that he said this, he was aware the measure he had proposed was a strong one. He knew, that the task he had that day set himself was extremely arduous and difficult, he knew that it had considerable risk in it; but when he took upon himself an office of responsibility, he had made up his mind to the situation and the danger of it. He had left all thoughts of ease, indolence, and safety behind him. He remembered an honourable friend near him (Mr. Burke) had once said, half in jest, half in earnest, "that idleness was the best gift that God had bestowed upon man." But this

was not a time for indolence and regard to safety in a minister. The situation of the country called for vigorous exertion, for new measures, and for some risk; he knew, that a minister who had no consideration but his own safety, might be quiet and safe; the consequence must be, the country would be ruined. How much better was it to venture what the exigency of affairs required; the minister it was true might be ruined, but his country would be saved. The one consideration ought to have no weight compared to the other. Nor had indolent men any business in office at such a crisis as the present. This was not a season for a secretary of state to be idle. The minister who loved his ease, or rather who was not determined to exert himself, had no business with green boxes and green bags. His office was for active employ, and if he preferred indolence to application, he ought to retire to private life, where he might enjoy his leisure without injury to the public. [A smile from opposition.] Mr. Fox took notice of the smile, and said, the subject of a measure adopted by him last session, had then been so repeatedly and so fully discussed, that the gentlemen on the other side must excuse him, if he declined saying any thing more upon the subject; thus much he would only then say, that it had been thought a matter worth trying, if a junction with those, from whom he had long differed, might not be made with safety, after the points upon which they had differed most widely were at an end, and whether they might not act together on new points with honour for the good of the country. That experiment had been tried, and he was happy to say, that the experience of the summer had confirmed him in his expectations. The noble lord and he not having had any one material difference, nor indeed any variety of opinion, farther than that sort of occasional difference which men of honour, determined to act freely, to give their opinion to each other without reserve, and from candid argument to deduce conviction, might warrantably and fairly be supposed to entertain. On the present occasion, he lamented most sincerely the want of the great abilities of the noble lord to support him in the arduous task of the day; and he more particularly lamented, that his loss should be owing to personal illness and infirmity. He was, however, happy to be able to assure that House, that he and the noble lord had consulted together upon the subject; that they perfectly coincided in sentiment and opinion upon it; and he trusted, as the bill would be some time in passing, that he should still have the benefit of the noble lord's powerful support. With regard to the smile the gentlemen on the other side had chosen to assume at his observations upon indolence, he could not be

supposed to allude to the noble lord's administration, because they must know many new projects were carried into practice during that administration, projects, which, in common with those gentlemen, he had thought detrimental to the interests of the country, and which they had together laboured to prevent.

Mr. Fox now came to a conclusion; and again begged leave to impress the idea on the minds of the House, that he had not intruded himself in this business officiously; that it was not a mean and interested expedient for the purpose of fortifying a party, or to add to the influence of the crown. As he had said, it was a strong measure, because it was a great resolution; but considering it as he and his colleagues did, necessary to the salvation of the company, and, with the company, of the state, he had applied to it with the greatest earnestness, and had brought it forward without the loss of a moment. He then moved, "That leave be given to bring in a bill, for vesting the affairs of the East India company in the hands of certain commissioners, for the benefit of the proprietors and the public." His second motion would be, "That leave be given to bring in a bill for the better government of the territorial possessions and dependencies in India."

After a short debate, leave was given to bring in the bills, and Mr. Secretary Fox, Mr. North, Lord John Cavendish, and Mr. Erskine, were ordered to prepare, and bring in the same.

November 20.

This day Mr. Secretary Fox presented to the House a bill "for vesting the affairs of the East India company in the hands of certain commissioners for the benefit of the proprietors and the public." It was read the first time, and ordered to be printed. Mr. Fox next moved, that it be read a second time on this day se'nnight. This occasioned a debate; Mr. W. Grenville opposed the motion, and as the business was of such importance, he gave it as his opinion, that the Christmas recess should intervene before the second reading. He said, the right honourable secretary meant to take the House, not only by force, but by violence; and therefore, it became the business of every member, who regarded the liberties of his country, to stand forward on this occasion. The bill, he said, made an attack upon the most solemn charters affirmed and confirmed by the sacred faith of parliament; it broke through all those ties which should bind man to man, and was fraught with the most pointed mischief against national honour and the integrity of English legislation. He wished the second reading to be postponed till after the call of the House. — Mr. Jenkinson imagined that the point which wanted most to be determined was, whether the bill ought to be read a second time next Thursday, or put off till the House had been called over. He could see but

little difficulty in determining that point; for if the object before them was interesting, it certainly was the duty of every one present to prolong the time, before its investigation, to the latest period. He stated the commission as the setting up within the realm a species of executive government, independent of the check or controul of the crown. This he deemed an innovation on the constitution, and therefore a matter that ought to be most seriously examined. He charged the system also with injustice, inasmuch as in the right honourable secretary's opening it the other day, he had rested the necessity of it entirely on the misconduct of the governor-general in India; whereas by the operation of the system, the faults of the servants were to be punished on the masters. He said several things respecting the very dangerous tendency of the bill, and exposed the boldness of the men who could venture to propose a measure that threatened such ruinous consequences to British liberty. But his chief force was directed against the influence which ministers were likely to derive from the event of such a terrible system. He said it would not only give them an unbounded power over the interests and possessions of the East, but render their posts so formidable as to endanger the rights of every free Englishman.—Mr. Scott, who spoke, on this occasion, for the first time, observed, that the bill seemed to him rather of a dangerous nature, but he would not declare against it. He would rather wait till more light had been thrown upon the subject.

Mr. Secretary Fox followed Mr. Scott. He paid some handsome compliments to him, and expressed a high opinion of his abilities, and the goodness of his intentions. Though he had not had the pleasure of hearing him speak before in that House, yet he was not a stranger to his eloquence, and did not doubt of hearing it employed at all times on the side of equity. He could not, however, forbear taking notice of one thing that had fallen from the honourable gentleman's mouth. He had observed, that before we could decide, it was necessary to deliberate; but how had he acted in the present instant? Not, surely, consistently with the maxim he had laid down; for, without any opportunity of deliberating, he had ventured to give his decision, and he thought with a good deal of positiveness.

The right honourable secretary observed, that he could foresee what was to come from an honourable gentleman on the opposite side of the House (Mr. Jenkinson) long before it came to his turn to speak. He well knew that the crown influence, which was a favourite topic with the honourable gentleman who first opposed the motion, would be taken up by him. He could not blame him for taking up his honourable friend's cause, although he thought that it would not have been done in the manner he did. To see each gentle-

man acting by instructions, and speaking what his friend had broached, was rather to view them in an inferior light. He really thought that they were both able enough, at least they ought to be able enough, to think and speak for themselves. But when he heard the doctrine of separating the crown and its ministers, and talking of them as divided interests, broached by the right honourable gentleman, who opened the debate, he looked immediately at the last speaker but one, convinced that he would be the leading speaker of the day, for that such a doctrine could originate in no other quarter. In some respects, indeed, the ministers and the crown were distinct objects: where the measures of government called for censure or punishment, there the ministers alone were responsible; but with regard to most other points of view, nothing could be so egregious as the endeavour to draw a distinction. In the present case, in order to guard as much as possible against the danger of increasing the influence of the crown, the ministers were loaded with a responsibility that balanced their power, and insured to the people that no ill use would be made of it: besides, who were appointed to check and control it but that House? With regard to that crown power, or rather ministerial power, for so they had absurdly called it, he saw no difficulty in answering all the objections that had been started to his bill on that account; for it never was intended that the crown influence should be increased by the plan proposed, at least but in a small degree. The appointment of the commissioners was in the hands of parliament; and he hoped parliament would at all times keep a watchful eye to the proceedings of administration. When his principles led him to oppose ministry, he always viewed the measures of administration with jealous attention; and it was his wish, and it should always be his wish, to have his actions scrutinized by parliament; it was their undoubted right to do so, and he hoped it was a right they never would lose sight of. He could not, he said, dismiss the topic, without combating a little the witty, but at the same time invidious, distinction that had been made between ministerial power and crown power; for his part, he could discover no ground for the distinction; he had always considered, that whatever conferred power on the ministry, conferred at the same time an equal share of power on the crown, and *vice versâ*. There were, perhaps, some little circumstances in which their interests might not altogether clash; but these were few indeed, and of no moment. The right honourable secretary now attacked the references which Mr. Grenville had made to the protests of some noble lords, amongst which was the respectable one of the late Marquis of Rockingham, and

some others now high in station. As the honourable gentleman, and his relation in the other house, were both able to speak for themselves, it would be quite as proper if they catered less for each other, and delivered in their different situations what better belonged to those situations respectively. Had that been the case, we should not have heard in the other house, on the first day of the session, a laboured harangue about the definitive treaty not being completed with Holland, nor that day in the house in which he was then speaking, an extract from a protest in the House of Lords. He said, the House of Commons was not to be guided by the decisions of any court whatever, in matters which properly belonged to itself; and however weighty in the business before the House the honourable gentleman might suppose those protests, he could assure him that they appeared not of such force to him. Those noble lords were, perhaps, right in giving in their protest; but had the gentlemen considered whether their motives were not different from any motives that might be supposed to influence the opposers of the bill under consideration? Gentlemen would recollect, that on the first day of the session he was called upon by a right honourable gentleman to bring forward no palliative, no half measure. How inconsistent, then, was it now to arraign that for being too bold, which it was declared then could not be too vigorous! But the fact was this: the right honourable gentleman was loud in calling for it — why? Because he thought no system was ready. This explained his language then, and the very opposite language he opposed to the system when it was brought forward. The state of affairs in India at that moment, he said, was such, that even a palliative remedy was desirable; but it was not his intention to redress the grievances of India by palliatives only; he wished to see something done that might penetrate to the root of the disease, and he made no doubt but gentlemen would find the remedy that had been proposed equal to the end it had in view. The several clauses had been read: and when they were understood, he flattered himself the language of the House would be different. As to the proposition for deferring the consideration of the bill till the House had been called over, he could see no good end to be gained by that. Submitted it must be to the consideration of the other House; and as they did not know what time their Lordships might chuse to detain it, as they would certainly detain it as long as was consistent with the dignity of the House they sat in; as that was the case, he thought that no time ought to be lost. Gentlemen who wished to be prepared, had time enough to do so before Thursday; and he could look upon the desire of a long delay as nothing but a subter-

fuge to defeat the purposes of the bill. It was, indeed, in that light he viewed the conduct of the honourable gentleman who moved the House for a call of the members. He wished to have the House called, because he knew they would not come. Had he proposed the day which the honourable gentleman proposed, he was sure he would have mentioned some posterior one. The very business before them, he said, had been hinted at, and not obscurely, sometime towards the conclusion of last session; and besides, it was both mentioned in his majesty's speech which closed that session, and that with which he opened the present session; so that there was no just ground for pleading want of information of the affairs before them. He concluded with saying, that he did not despair of seeing a happy issue of that political system which had been supposed to have its rise in despotism, and its foundation in corruption.

The question was carried without any division.

November 26.

Mr. Secretary Fox brought in his second bill relative to India. It was entitled, "A Bill for the better Government of the Territorial Possessions and Dependencies in India." Sir Edward Astley said he did not mean to oppose the bill then; but he still thought that gentlemen ought to proceed with caution in a measure, by which so much influence would be thrown into the hands of the crown. A bill of infinitely less moment, which gave infinitely less influence, had been opposed by some of the first and best men in this country, because it tended to encrease, though in a small degree, the influence of the crown and its ministers; if therefore a measure should be adopted that would put ministers into possession of an extent of patronage, immense in every sense of the word, and that might in its consequences threaten the liberties and constitution of this country, gentlemen might then find it necessary to come again to vote, "that the influence of the Crown has increased, is increasing, and ought to be diminished." He was ready to allow, that from the present state of the company's affairs, some regulations were necessary. He was ready also to allow, that a company of merchants were not qualified to govern great territorial possessions; but still he had a right to be on his guard, lest the measures proposed to remedy the evil complained of should prove ruinous to the liberty of this country.

Mr. Secretary Fox observed, that the honourable baronet's remarks were pointed, not against the bill then immediately under the consideration of the House, but against the other which he had the honour to present a few days ago; and

when that bill should become the subject of debate, he would endeavour to defend it against the different objections that should be urged against it. With respect to the influence that it would give to the crown, it would be the duty of its opposers to shew that it was unnecessarily proposed, and that influence was the object, and not an adventitious circumstance in the bill. This sort of opposition was fair and parliamentary, and he hoped it would be followed. He hoped, that no gentleman would object to the bill singly, or consider it in a single point of view; but that, while it was stated that the bill tended to increase the influence of the crown, the necessity of adopting some measure respecting the future government of India would be taken into consideration, and then the question with respect to the influence of the crown would stand on its true ground, and the only point in doubt would be, whether the bill, that was to be read a second time the next day, increased the influence of the crown in a manner that was unnecessary. He was glad, however, to hear the honourable baronet say that he felt the necessity of making some regulations, and that a company of merchants were not fit to govern a vast tract of territorial possessions. As to the bill immediately before the House, its principle was clearly unobjectionable on the score of influence; for so far from giving any influence, this bill was particularly to guard against it; he presumed, therefore, that there would be no opposition to the sending of the bill to a committee, for whatever objection could arise, it must, in his opinion, be to the provisions, and not to the bill itself; he was not so vain as to suppose that he could frame a bill that embraced so many objects, and contained so great a number of regulations, which should not be liable in many places to objections; it would be for the wisdom of the committee to make such alterations in the clauses as they should judge necessary.

Mr. William Pitt said, that it was not possible for him to form a just judgment of a bill of such a length, from the cursory manner in which it had been read; but as far as he could judge, he was free to say that the principle of it did not strike him, as being at all a-kin to that of the other bill which was brought in last week; and at present he saw no objection to its going to a committee. However it could not be expected, that he should pledge himself to support it, or any part of it, until he should have read and well considered the whole of the bill.—Mr. Arden observed, that the bill mentioned in various places the commissioners to whom the company's affairs should be intrusted; this shewed that it depended upon another bill, and would therefore be nugatory and absurd if that bill should not pass; and it was not a matter so certain as the right honourable secretary seemed to suppose, that the bill would pass.

Mr. Secretary Fox in answer to this observation said, that let the fate of the other bill be what it might, this bill would not, in his opinion be nugatory and absurd; the necessity of regulations was admitted on all hands; and let who might be entrusted with the management of the company's affairs, these regulations would be necessary; he therefore wished the bill might be gone through as speedily as possible; nay, that it might be passed even before the other bill; and therefore care might be taken in the committee to insert a clause, which should declare, that let the government of the company be in whom it might, whether directors or commissioners, the powers given by this bill should rest in them. With such a clause as this, the bill would not be dependent upon any other; and would be complete, though the other should be lost. (Mr. Pitt nodded approbation.) He owned for his part he wished it to proceed with as much dispatch as possible; but as he was not vain enough to think, that any bill he could fabricate would be perfect, or that a bill containing so large a number of various regulations, would not call for much discussion, and even some alteration, he certainly would give due time for gentlemen to consider the subject.

The bill was ordered to be printed, and read a second time on Tuesday.

November 27.

Mr. Secretary Fox moved the order of the day for the second reading of the bill "for vesting the Affairs of the East India Company in the hands of certain Commissioners for the benefit of the Proprietors and the Public." The motion was agreed to; the bill was read, as were also the petitions from the courts of proprietors and directors of the East India company; and their counsel were then called to the bar. Mr. Rous and Mr. Dallas appeared for the proprietors; and Mr. Hardinge and Mr. Plomer for the court of directors. As soon as the counsel had withdrawn, Mr. Secretary Fox and Sir James Lowther rose nearly at the same time, and each was supported by numerous friends, in his pretensions to speak first; but Sir James having said that he was going to speak to order, Mr. Fox sat down. Sir James then said, that he would not for any length of time prevent the right honourable gentleman from making his defence, for having introduced a bill that had for its object the violation of the most sacred rights of Englishmen. What he had to observe on the present occasion was, that it would be necessary, before gentlemen should proceed to debate the bill, that the accounts delivered in at the bar should be read; for as the bankruptcy of the East India company was the pretence for bring-

ing in the bill, it would be necessary that every paper should be read that could prove either the truth or falsehood of the argument drawn from the supposition of such bankruptcy. The Speaker said, that in point of order, all papers delivered in at the bar by witnesses, were considered as evidence already given to the House, and therefore it was not necessary that they should be read, except *pro forma*, and every member might argue from them as if they had been read. He called upon the old members of the House to set him right, if he was wrong in his opinion. Mr. Kenyon could not conceive how such an order could be reconciled with reason or common sense. In the courts of law, if a paper was given in evidence, and its authenticity was ascertained, it was always read; for if it was not, it could be of no service or disservice in the cause, as the court and jury, though, in fact, in possession of the paper, must in reality, as long it remained unread, be totally unacquainted with its contents. The Speaker replied, that when evidence was offered by a counsel at the bar of the House, he might, if he pleased, cause it to be read: but if he did not call for that, it was not the custom of the House to read what the counsel did not think necessary to have read. In some cases, the reading of papers delivered at the bar was impracticable; in many instances they were too voluminous; but any member might in debate advert to them, and cause the whole, or any part, to be read as often as he should think fit. The point of order being thus settled,

Mr. Secretary Fox rose to state his reasons for sending the bill to a committee. The honourable baronet has said, that he will not keep me from my defence; and he calls my speaking to the question of commitment a speech in my defence. I allow him his assertion. I shall always consider myself as speaking in my defence, when I rise up to speak to a proposition so great and so important as that which I have now presumed to offer to the wisdom of the House. Whenever I rise up in this House to present a broad and comprehensive scheme of policy to the nation, and that scheme is questioned, charged, and arraigned, I shall always consider what I say in its support as an argument in my own defence; because I shall always consider my own character, my situation, my rank in the country, as at stake on every measure of state which I shall presume to undertake. The honourable baronet said truly, therefore, that I was now rising to speak in my defence: but give me leave at the same time to assert, that I have something better than my own defence in view, because the present bill has something greater than my own advantage; it is a bill which I from my soul believe to be necessary to the deliverance of the empire, and it would be better supported in my mind by arguments in support of its own principle, than by harsh assertions of personality, which, however they may gratify spleen, have nothing to do with the system submitted to your consideration.

He was really surprized, that notwithstanding the various objections that had been stated to this bill on a former day, he found himself this day attacked upon a ground which he had least expected. The violation of charters, the despotism and oppression of the bill, were topics which he apprehended would have been principally dwelt on this day: but he found that these grounds were nearly abandoned; and now he was to be attacked on that side where he felt himself most strong: yet he would confess, that he was sorry he was so strong there, for his strength must be founded on the weakness of the company. It was an old and a politic custom with ministers, in talking in parliament in the time of war of the strength and resources of the different bodies of the community, to describe them as if they were in the most prosperous and flourishing condition, and, perhaps, he should himself conform to that custom, if the country was now involved in war. The situation of the country, however, was such as would not now allow the practice of those deceptions. We could only assist the nation, by knowing and declaring what the amount of its distress was. Had not this been the case; had not the most urgent necessity impelled, he never would have brought in such a bill as that under discussion. The bill was a child not of choice but of necessity. In like manner, the answer he was about to give to the directors' state of the company's affairs, was not a matter of option, but a matter which he could not avoid, in justice to the company, in justice to himself, and in justice to the world. He assured the House at the same time, that though his defence must arise from that weakness, he wished most sincerely that he had no such ground of defence; the weakness of a company so connected with the public, was not a theme which could afford any satisfaction: but as he would stake his reputation on the necessity of the measure he proposed, so it afforded him, as far as his character was concerned, some satisfaction, that he could find in the company's own accounts substantial proofs of the necessity of a parliamentary interposition. But, he confessed, that while an honourable and learned gentleman, who sat opposite to him now, and who was likely to do so on all occasions, (Mr. Dundas, who sat on the opposition side of the House, close by Mr. Pitt,) and other honourable gentlemen in that House, could be appealed to as evidence of the alarming state of the affairs of the company, he had not imagined that any long or elaborate proof that they were not in a prosperous condition, would be necessary. Gentlemen, he said, would find that there was no great occasion for them to lament, that the account which had been delivered in at the bar by the East India company's account-

ant, had not been read by the clerk, as he should, in the course of his speech, be obliged to touch upon most of the points that it contained. In this account he found many things inserted, which ought to have been omitted; and many things omitted, which ought to have been inserted. Through these assertions, and these omissions, the company's affairs were made to appear in a much more favourable point of view than he believed they would be seen in, when he should have stated the different exceptions that he had to their account: but he begged leave again to call to the recollection of the House, that he did not stand pledged to prove that these were actual errors in the account. It might be regularly calculated, and the sums very properly cast up. He did not venture to say that there were positive falsehoods in the statement; all that he said, and all that he was pledged for, was, that he would state rational objections to articles in this account, to the amount of more than twelve millions. These objections might not convince the House—they had convinced him. He begged that gentlemen would go along with him in the statement, and put down the articles as he enumerated them; for in so complicated a matter, they could not follow him from memory.

The first article in the account held out as the property of the company, was 4,200,000*l.* as the debt due to the company from government, at 3 per cent. interest. To this article he did not object: but he must make this observation; that this sum was to be considered as all other money held in the funds of the country, as not otherwise available to the individual than in respect of the annual interest, for there was no obligation of payment; they could not force the production of it; they could not make government come to a settlement with them; but they stood exactly like the other creditors of the public, secure of the interest, but not armed with powers to come when they pleased at the principal. Another observation, too, occurred on this. They took and stated this sum with evident error. Surely it was no otherways to be estimated, than as they could carry their stock to market. They were not to set it down in this statement of their property at the nominal amount, but at the marketable value of the commodity. The marketable value of the commodity was three-fifths of the nominal value, and at no more ought they to have stated this sum of property, because for no more was the principal available in their present circumstances. It was very true, that this money was to be repaid to the company, if government should ever put an end to the monopoly which the company enjoyed of the trade to India. In that case, the full sum of 4,200,000*l.* must of

course be paid; but as the money was lent, and government was never to repay the principal, if they chose, while they continued the monopoly, he must say, it was not so very fair to state the sum lent at the full value of 4,200,000*l.*; for if the monopoly should, in any case, be annihilated, without the will of government, then the money, as he had said, could not be called for; and if the company wished to sell their interest in that loan, which was sunk in the 3 per cents. they would of course lose about two-fifths of the whole; and therefore the account should, in candour, have stated, that towards paying their debts, they had in the 3 per cent. stock, a property that would sell for 2,520,000*l.*

The next article was of a very singular nature indeed, and gave the House a specimen of the principle on which this account was made up. A charge was made on government of 260,687*l.* for the subsistence of prisoners in the war which concluded in 1763. To this article he did not mean to object, as a debt desperate, and to be altogether struck out; but in their present emergency, was it to be considered as an article of available property? This claim was made on France immediately on the conclusion of the war in 1763, and for fifteen years in succession, that is, until the commencement of the last war. The payment of the sum was constantly sought for, and as steadfastly denied. Now, though he for his own part would promise and pledge himself to the company, that he would exert every effort of his mind and power to accomplish this payment, though there was a negotiation at this instant going on at Paris for the payment of it, and though he would pledge himself also for the exertion and activity of the noble duke now at Paris on the subject, still he asked, if a sum which had been contended for in vain for so long a time, was to be assumed in such an account as available property?

The next article of 139,877*l.* for expences on the Manilla expedition, and of 21,447*l.* for hospital expences, bore the same complexion. They were all sums which had been in contention for so long a time, that though they might be fairly due, they could not be estimated as property at hand, in fund, or come-at-able; they had been disallowed by every succeeding treasury, including even that of the Earl of Shelburne; he therefore begged to ask the House, whether these three sums making 422,011*l.* ought to have been brought forward in the present statement as property applicable to the discharge of their debts?

The next article was under the head of cash, which was stated in money, in bonds paid in at the sales, and again to be issued, and in debentures and custom notes, to amount to

609,954*l.* Now, to this he had an objection. The bonds were here stated as cash, and no notice was taken of a very material article, which was the discount on their being issued again. They bore a very considerable discount, and an allowance should have been made for this discount which they must suffer, on their being again issued. They could not take any advantage of them but by issuing them anew, and they must be issued at a discount. Instead, therefore, of stating them on this side of the account as cash, and charging them on the other side as debts against themselves, they ought to have stated merely the amount of the discount as an item against themselves on the debtor side of the account.

The next sum was stated to be due for goods sold, but not delivered, 553,258*l.* To this he had no objection. The next article was the value of the goods in the warehouses, of which the freights and duties were paid, 2,500,000*l.* This he did not consider as proper to be taken in the way which they had taken it. It was to be enquired whether they could dispose of this property, and when,—whether they could make it productive, and to the amount at which they had taken it,—though he did not believe that they could; yet he did not object to this article. At the same time it might have been proper for them to have stated the amount without the customs. They charged themselves with the customs on the other side indeed; but to have made the account regular, the sum should have been regularly stated here without the double entry.

The next was the merchandise exported to India, but not included in the property here, as not being yet arrived, 1,219,091*l.* When a man was making out a state of accounts, to prove that he had in hand a sufficient quantity of goods, which he could immediately, or in a reasonable time, convert into money, one might be a little surprised to find him enumerating articles which, in their nature, could not be converted into money; and yet the company had acted precisely in this manner; for they stated that merchandise, to the amount of 1,219,091*l.* had been exported to India, but not included in the accounts of property there, not being arrived when they were made up. Now, in this account were included military stores, to the amount of about half that sum, which were not to be used for any mercantile purpose, but were to be, if they had not already been, consumed by the army: to the sum therefore of at least 600,000*l.* in this article, he would certainly except: it formed no part of the means of the company to pay their present debts, and therefore ought not to have been included in an account of ways and means. They could not bring them to any market, and they were

not to be taken as available property. On this article, therefore, he took 600,000*l.*

The next sum was for silver remaining in the treasury, 1,090*l.* The only notice which he meant to take of this article was, to declare his astonishment, or rather indeed not his astonishment, but to point it out as a fact, which proved his statement of their finances to be right. After enumerating their millions afloat; their millions in the warehouses; they came to the calculation of their specie, and it amounted to the sum of 1090*l.* This reminded him of an article in one of our great bard's best plays, where speaking of one of his best characters, it is said; so much for sack; so much for sugar; so much for burnt hock; so much for this, and so much for that; but for the solid—the substantial—the staff of life—bread—one halfpenny: so it was with this flourishing company: they had millions of goods, of bonds, of debts; but of silver they had one solitary thousand pounds.

The next article was for the advance of freight, to be deducted on the arrival of the ships, 172,334*l.* To this article he had very great and solid objection. It was a piece of complete and most unpardonable fallacy. They stated, in their favour, the advanced freight which they had paid, but they had not taken against them, on the other side, the sum of freight and demurrage, which they would have to pay. To shew the fallacy of this article, he would suppose that he had 1000*l.* to pay on his note next Monday, of which, however, he had already advanced 100*l.* In estimating his account he took to his favour the 100*l.* which he had paid, but took no notice, nor made any provision for the 900*l.* which he had to pay. The company had advanced the freight on fifty-three ships; of these, fourteen had come home, and there were still thirty-nine ships behind; but of these, two had been burnt and blown up; so that there remained thirty-seven ships in India, and coming home, on which the remaining freight and demurrage was to be paid, and this was to be estimated at 50,000*l.* a ship. So that, instead of this sum which they had taken to their credit, they were to be charged in this account with 1,850,000*l.* for which they were bound, and which they must pay. This he called a very unpardonable fallacy. He desired to know what parliament would think of any responsible minister, paymaster, or servant, who should act in that manner. Or was it possible, that any man appointed under the present bill, and accountable to that House, could present an account so miserably deficient as this was?

The next sum was a small charge for their shipping in England, it was only 12,300*l.* and he might say *de minimis non curat prætor*; but still he must say a few words on the

subject, as it shewed to what shifts the company thought themselves driven, when they would suffer such an article to be brought into an account; it could be merely for the purpose of swelling at all events the total; this sum was estimated to be the value of ships and vessels employed by the company in England. The meaning of this was, that the sale of these vessels would produce that sum: but as such a sale could be thought of only in case the company were going to sell off all their stock and give up business, he would object to the article; because as nothing could be farther from his intention than to dissolve the company, so no such sale could take place while they should exist. The article of 253,616*l.* was exceptionable on the same ground: the company's houses and buildings in London were estimated at that sum; but as they were not to be sold, he would object to the carrying of that sum to the account of ways and means of the company. If brought forward, it was to be brought forward on the presumption of their bankruptcy; a presumption which he never made, and which could not be taken.

To the article of 703,824*l.* taken as the prime cost of four cargoes on their passage from Bengal, he objected in part. It ought to have been stated, what was very well known, that the company suffered a considerable loss by Bengal goods, and this loss ought to have been deducted from the prime cost of the four cargoes.

The Company estimated the four cargoes on their passage from Bengal, at prime cost, to be 703,824*l.*, to this were to be added the duties, 170,000*l.*, freight, 200,000*l.*; which made 1,073,824*l.*, from which the sum of 960,000*l.* being deducted, as the whole of the value which those articles would here bring, the company of course must be losers of 113,824*l.* To the sum of 364,515*l.* stated as the value of cargoes dispatched from Bengal to other presidencies, he intended also to object; because as these cargoes consisted of military stores, they were not property that could be converted into money; and consequently ought not to be stated as ways and means to pay debts that pressed upon the company immediately. It was in the nature of the article, to a moiety of which he had already excepted, of military stores sent to India; and he begged leave to remark, that whenever this sort of charge occurred, he should object to it.

He now came to the article, entitled, quick stock at Bengal, under various denominations. In treasure and bills 777,361*l.* that he allowed. The goods for Europe dispatched —the goods imported and unsold—and the salt—but the article of stores unexpended he objected to, on the argument already stated, and he took for this 680,509*l.* The sum ad-

vanced to the Board of Trade was stated to be 837,465*l.* and this was erroneous. The sum for investments was only 635,000*l.* and this sum ought to be less by 160,000*l.* He stated the particulars of this error also. It was not a little singular to find by what means the company swelled up their account of debts due to them, in order to shew what means they were possessed of to pay their debts. In this place they valued the current rupee at 2*s.* 3*d.* when every man knew that to rate it at 2*s.* 1*d.* was setting rather a high value on it, the general exchange being at 2*s.*

The next article he would wish to press to the consideration of the House: it was the debt due by the nabob Asoph ul Dowla, 789,828*l.* This debt was in the nature of many others which were due to us in India, and which had been made the foundation of our various wars. A claim was made on the nabobs, or the rajahs, for the debt which they owed. Their answer was, that they were unable; but that their subjects in a certain district were not only in arrears, but refractory, and therefore if the company would assist them to reduce their subjects to obedience and payment, they would pay their debts. On this pretext we entered on the war, and what particular species of war we commenced might be drawn from the records of the company—a war of horror and devastation—we scoured deserted countries—we ravaged and burnt the villages—we destroyed or we captured the women and the infants—in this manner the Rohillas one year, the Marawar country the next, then the Polygars were laid waste and desolated, and those innocent and unprotected natives destroyed; the men were murdered, the women imprisoned and disgraced, their children left a prey to want, and every religious and civil right violated. To prove this he desired the clerk might read a letter from Lieutenant-colonel Bonjour, a Swiss officer in the company's service, which described the manner in which he found a country, in India in 1773, when sent into it to force people to pay money: the villages were deserted by the men, who left none in them but women and children; the men fell upon the English convoys, and cut them off, and put many of the soldiers to death. He represented therefore that either the design must be given up, or reprisals must be made on women and children, which would shock humanity. He painted to them, in the warm colours of feeling, the scene of horror which the service exhibited, and deprecated such wars as inglorious and contemptible. Thank God! exclaimed Mr. Fox, they have always failed. They have constantly been as unproductive of revenue as they were productive of infamy. In every instance we have failed in our object, but in no instance have we avoided the curses, the

abhorrence, the contempt of mankind. He read also a letter from the Soubah of Oude, of which the following is a copy: "When the knife had penetrated to the bone, and I was surrounded with such heavy distresses that I could no longer live in expectations, I wrote you an account of my difficulties. The answer which I have received to it is such, that it has given me inexpressible grief and affliction. I never had the least idea or expectation from you and the council, that you would ever have given your orders in so afflicting a manner, in which you never before wrote, and which I could not have imagined. As I am resolved to obey your orders and directions of the council, without any delay, as long as I live, I have, agreeably to those orders, delivered up all my private papers to him (the resident) that when he shall have examined my receipts and expences, he may take whatever remains. As I know it to be my duty to satisfy you, the company, and council, I have not failed to obey in any instance, but requested of him that it might be done so as not to distress me in my necessary expences; there being no other funds but those for the expences of my mutseddies, household expences, and servants, &c. He demanded these in such a manner, that being remediless, I was obliged to comply with what he required. He has accordingly stopped the pensions of my old servants for thirty years, whether sepoys, mutseddies, or household servants, and the expences of my family and kitchen, together with the jaghires of my grandmother, mother, and aunts, and of my brothers and dependents, which were for their support. I had raised 1300 horse, and three battalions of sepoys, to attend upon me; but, as I have no resource to support them, I have been obliged to remove the people stationed in the mahals (districts) and to send his people (the resident's people) into the mahals; so that I have not now one single servant about me; should I mention to what farther difficulties I have been reduced, it would lay me open to contempt."

He would make no comments on this letter, he would leave it to the feelings of the House. All these debts from this nabob, and from all the nabobs and rajahs, he wished at once to strike off; and he believed that the feelings and the magnanimity of the country would go with him in saying, that they would rather be doomed to pay all that the company owed, ill as they could at this time bear it; ill as their sinking-fund could sustain the shock, they would apply to that, rather than wring it from the princes of the country, by aiding them in wars on their innocent people. In this part of his speech, all sides of the House joined in the exclamation of "hear! hear!" as the testimony of their approbation.

The next article was, debts due by the company in Bengal,

on bond and otherwise, 2,367,116*l.* Upon this he only observed, that from the word otherwise, it might be imagined that there were considerable debts not on bond, whereas the whole amount was on bond except 100,000*l.* With this observation to mark the style of the account, he allowed the same. But there was a very curious and singular matter occurred here. It stated that the arrears due to the army did not appear; but by a subsequent minute it did appear, that the arrears up to March 1783, amount to 502,174*l.* This they state to come by the last dispatches. Would it not be imagined that at least they would bring this 500,000*l.* to account? Not one figure of it. He asked the House what they would think of government, if having accounts from abroad of arrears due to the army, they failed to bring half a million forward? Would they not impeach the defaulter? He wished, therefore, to rescue the affairs of the East from a company capable of such a crime: for a crime he declared it was. Before he left the article of the quick stock of Bengal, he must observe, there was an omission entirely of 130,000*l.* due by the company to the Military Fund established by Lord Clive, and the nabob Asoph ul Dowla, and a considerable part of which sum must be paid to the heirs of Lord Clive.

The quick stock at Madras came next: and here again he objected to the article of stores, military and naval, unexpended, which was 264,110*l.*; and on the same account that he objected to the sum due from Asoph ul Dowla, he objected to the charge of 968,012*l.* stated to be due by the Nabob of Arcot, to 158,250*l.* due from the Rajah of Tanjore, and to 993,804*l.* due from the renters of sundry districts.

He said, the nabob could not attempt to pay his debt without attempting to take it from the rajah, nor the rajah without taking it from some neighbouring power, and all this with the assistance of the company's troops, and at the expence of the company's treasure. As to the renters of sundry districts of land, how could money be recovered from those who had none to give? Had not these people been driven from their possessions, and made the victims of cruel and unjust wars? And how could it be expected that they should be able to answer this enormous demand? At the end of the account of these debts, there was a curious observation, contained in a nota bene, to the following effect: — "The war in the Carnatic will delay the payment of some of these debts, and must have rendered many others of them precarious, so that their exact value cannot be ascertained." After this beginning, said Mr. Fox, would not the House imagine that the account was going to say that some particular part of the sum, such as a 5th, an 8th, or a 10th of

these sums might be recovered; but, the account, instead of saying any such thing, goes on, and says, "but the above sums are undoubtedly due to the company." These debts, put together, would amount to 2,822,310*l.* and to this sum he was resolved to object, as unfit to be inserted in an account of means to answer the company's pressing demands. The ridicule, the absurdity, and the determination to impose, contained in this annotation, drew from him a vein of irony and attack that we scarcely remember to have heard equalled even by Mr. Fox. He once more dwelt upon the scandalous conduct of those who had dared to produce to parliament an account so full of imposition and absurdity; particularly with regard to the stating these desperate and ruinous debts, more ruinous in recovering than abandoning, as a fund, and the unparalleled impudence of this conclusion of the N. B. that the above sums were "undoubtedly due to the company." No doubt they were due: and if the company were to go on for five years more, five times the sum might, and probably would, from the experience of past times, be as fairly due; and from thence it would be in the power of those who had the hardiness to impose upon the public by such an account, to shew the company in a better situation every year, as their debts encreased: that they would soon have it in their power to prove the flourishing state of the company, by stating the debts of the nabob at twice 900,000*l.* and those of Asoph ul Dowla at double the present sum. But he desired the House to recollect, that it was their business to interfere to prevent that species of prosperity from gaining farther than it had hitherto gone, and to stem those torrents of blood which must flow, if the attempt was made to procure them; an attempt which must end in wasting more money (setting considerations of humanity aside) than the amount of them would repay. To estimate the property of the company in this way was most fallacious. In proportion as they oppressed — as they racked — as they were guilty of weakness in the first instance, and of violence in the second, their debts would encrease; and even when they were more deeply involved, they might by such accounts, shew themselves to be on paper more flourishing. But such debts were not available property, and could not be estimated.

The debts due by the company in Madras, 31st August 1782, including arrears to the military, 821,164*l.*, he stated to have increased since; and that the right honourable gentleman opposite (Mr. Pitt) knew it: it was a secret disclosed to the treasury, of which he was chancellor of the exchequer, and he doubted not, he would not deny it. By these disallowances,

he reduced the balance of quick stock at Madras 2,078,678*l.* to little more than 500,000*l.*

Of the quick stock at Bencoolen, consisting of the difference between cash and effects, and the debts owing by the company, amounting on the 19th of March, 1783, to a balance in favour of the company of 189,036*l.* he allowed only the odd 89,000*l.* the other 100,000*l.* being exhausted in the expence of the establishment, and therefore on the footing of warehouses, not convertible, unless they gave up trade, consequently not applicable to present relief. The quick stock at St. Helena, 27,618*l.* disallowed on the same principle. The quick stock in China, 132,596*l.* he allowed, because consisting of goods, and there we had no territories nor establishment to maintain. The quick stock at Bombay, 15th September 1782, valuing the rupee at 2*s.* 6*d.* Cash and bills 24,663*l.* he allowed. Goods provided for Europe, 95,145*l.* Of this he disallowed 32,000*l.* put on board two ships that sailed after the date here taken, and which was included in the prior statement of goods in warehouses, and he also took the freight and demurrage, to be paid on their arrival in England, 148,003*l.* for military and naval stores, disallowed for reasons formerly given.

The debts due to the company of 891,069*l.* he doubted of as much as of the unsecured part of Ragobah's debt, for the reasons already stated. By these deductions, the debt due by the company at Bombay amounted to 2,000,000*l.* instead of 1,790,000*l.* There was an additional arrear to be taken as due to the army in India, beyond what the account stated of 140,000*l.* They also owed to the nizam 30 lacks of rupees, which was 300,000*l.* totally omitted. Besides these sums, which amount in the whole to 9,400,000*l.* there was to be added the sum due to the proprietors of 3,200,000*l.* which made the sum in the whole more than 12,000,000*l.* which he pledged himself to exhibit in objection to their account. There were other inaccuracies in their statement, which made considerable difference in its truth, but into which he had not particularly entered. It was alledged that the sum of 400,000*l.* lately paid by the company to government, was as a price for the renewal of their charter. It was no such thing. They paid it as a debt due to the country, and so it was considered.

The right honourable gentleman then went into a train of most admirable and eloquent deductions from his premises, and into distinct answers to the several arguments which had been adduced against the principle, provision, and tendency of the bill. The peace with the Mahrattas had been held out by the friends and agents of that great man Mr. Hastings, a man who, by disobeying the orders of his employers, had

made himself so great, as to be now able to mix in every question of state, and make every measure of government a personal point in which he had a share — the peace with the Mahrattas had been held out as so favourable to this country, that every good was to be derived from it. What said the last advices to that? Read the last gazette. In the very moment that an honourable gentleman, whose zeal and ardour carried him generally too far, was loud in declaring that all was peace in India, and congratulating the proprietors on the prosperous situation of their affairs, came home the dispatches contained in the last gazette. Let the House learn from that gazette the pressing occasion for an immediate reform of the government of India. Let them see the cause of the disasters recorded in those direful dispatches — a quarrel among the officers on the common theme of India, the division of the spoil; the disposal of the plunder taken from the natives! They would learn from the gazette, that our army had lost all subordination, as they had learnt from other publications, that our civil government in India had lost all energy. And, in addition to that information, he would read a letter from Mr. Anderson, stating that the pashwa and madajee scindia, proposed that they should enter into an alliance with the company to strip Tippoo Saib of his territories, and make a partition of them between the three. This proposition appeared to be acceptable to Mr. Hastings; and it was therefore reasonable to suppose, or to fear, that a new war was actually raging at this time in India.

Did the House know of the disputes in our presidencies, as well as in the army? That Lord Macartney, that great and exalted man, the only man who paid obedience to his constituents, was at this instant perhaps removed, confined, perhaps come to the fate of Lord Pigot? Would they not remember, that, by the peace with France, we had engaged not to make war with their allies in India? And that if this new engagement was entered into with the Mahrattas, it would be to all purposes a new war, and consequently we might involve ourselves again with France, and revive war in every part of Europe? These were important considerations.

It was said that this was an invasion of the chartered rights. Undoubtedly it was: but would gentlemen say that such infringements were not warrantable? Had they not been frequently infringed before? when the votes of the 500*l.* stock proprietors were cut off — and in various other instances. Was this to be called an infringement of their charters, so enormous and violent, when they had broken the conditions of the charter and agreement? Did the House know, if this

bill should be thrown out, which by the bye he did not believe it would be, that the treasury could in a fortnight afterwards enter the premises of the East India company with an extent, and take legal possession of all that they were worth in the world?

But necessity was said to be the plea of tyranny — it was also the plea of freedom. The revolution, which established the rights and liberties of these kingdoms, was undertaken and accomplished — nay was justified at the time, on the plea of necessity: a necessity that superseded all law, and was the glorious means of giving liberty to England. On the present occasion, had it not been agreed on all hands, that some measure of regulation and reform was necessary with respect to India? Nay, had not a right honourable gentleman opposite to him, and his friends, been loud in calling out for a system, complete and well digested? Had they not said, no palliatives, no half measures? Let the learned gentleman opposite him (Mr. Dundas) say how any effectual reform in the conduct of the India company's affairs could be made without touching their charter. Did the present bill offer more violence to it than the bill proposed last year? In what lay the difference? That bill aimed at lodging an absolute and despotic power of governing in India. This provided a controulable government; but it was a powerful government, and it was at home. To give power was generally considered as a dangerous delegation; but it became the more dangerous in proportion as it was lodged at a distance. A virtuous and a wise man might lose his principles and his understanding in India. Disease and luxury might co-operate to enervate; the sight of wealth within reach might win to rapacity, and the once pure mind, weakened by climate and example, might be betrayed to corruption and plunder. The temptation was not so great in England. The commissioners were to act at hand, and to be under the immediate eye of parliament. Where, then, was the danger so loudly trumpeted forth to the world, and so industriously made the subject of popular clamour?

But besides the objection to the commissioners being named by parliament, the great one was, the influence it was to give to the crown. This he denied. No immediate influence was to be given but the nomination of the seven commissioners; the patronage of the East Indies had been in the hands of the crown before. What great officer had been appointed, but by the advice and influence of ministers? And ought they to have been otherwise? The only difference is, that before the court of directors was a screen; and now, they will themselves be responsible. He did not wish the commissioners

to be out of parliament. He wished them to be like himself and his colleagues, constantly under the eye and attack of the House. Why order the new officers to give their reasons for what they did? This regulation was questioned as being idle. It was not so: it was the character of despotic governments to be dark; of popular governments to have publicity; and he averred that it was their beauty and basis. Our judicial tribunals were bound to give their reasons. He objected to the plan of Mr. Dundas, because he could not agree to give to a man, at the distance of half the globe, uncontrouled power. Even here it was dangerous; but not so much so, because it would be watched. The valuable jealousies of the country would be awake, and parliament would be ready to crush its irregular acts. Some measure was admitted on all hands to be necessary; if the present was disapproved, those who disapproved of it were bound to propose a better.

Perhaps it would be argued, that the distress of the company was solely owing to the burdens and pressure of an expensive war, and that what had arisen from a specific misfortune, ought not to be attributed to general misrule and mismanagement. In proof that this was not true, he would read a letter from a person in a high and responsible situation in India, in 1772. Mr. Fox then read an extract, which, in the language of conviction, attributed all the disasters in India, of that day, to a want of vigour in the principle of the system of its government, adopted and pursued by the directors at home. The writer of the letter, Mr. Fox said, was not a favourite authority with him in all cases; but his position carried wisdom in it, and his argument was founded on sound policy. The other side of the House, at least, he hoped, would agree in this, when he informed them that the writer of the letter he had just read, was no other than Mr. Hastings himself.

That the bill ought to pass, if it passed at all, with the utmost dispatch, a variety of reasons concurred to justify. The seeds of war were already sown in India; and a note left by Sir Eyre Coote, a man whose memory deserved every possible praise on account of his gallant actions, afforded alarming proof of it. The deceased leader of the troops in India had written to the governor of Madras, that the expence and the burdens incurred by the company in consequence of the late war, could only be recovered by a fresh war on Tippoo Saib. Let the House pause upon this;—let them reflect on the last gazette, the dispatches of which reached the India house, and filled the general court with disappointment and dismay, in the very moment that an

honourable gentleman, whose zealous ardour carried him generally too far, was loud in declaring that all was peace in India, and congratulating the proprietors on the prosperous situation of their affairs. Let the House also learn from that gazette, the pressing occasion for an immediate reform of the government of India. Let them see the cause of the disasters recorded in those direful dispatches — a quarrel among the officers on the common theme of quarrels in India, the division of the spoil, the disposal of the plunder taken from the natives! There were also additional causes to expect a war there, and to dread its communicating to the other quarters of the globe, if proper means to prevent it were not instantly resorted to.

Mr. Fox dwelt upon this for some time, and shewed that we might suddenly find ourselves involved in a war with France, if due care was not taken to avert the mischief. He also painted, in glowing colours, the alarming state of the civil government in India, in consequence of the dissentions between the different presidencies; he declared he felt for Lord Macartney, for whom he had ever entertained the sincerest respect. That noble lord had proved himself the most obedient to direction from home, the purest in principle, and the most zealous in conduct, for the national honour, of any governor ever sent to India; but who could say that Lord Macartney had not been suspended, nay, who could say that he was not at this instant a prisoner, or that he had not shared the fate of Lord Pigot? He said farther, that he considered suffering the company to borrow more money, as in fact lending them the security of government for what they borrowed, and that before he proceeded that length, he held himself bound to take every possible means to make the safety of the public, and the prosperity of the company, go hand in hand together. He knew that in doing so, he put his own situation, as a minister, to the hazard; but where upon a great national ground he could establish a measure at once salutary and useful, likely to rescue the natives of India from oppression, and save the country from disgrace, he little cared how great the personal risks were that he was to encounter. He took notice of the India regulating bill, which however deficient in point of policy, it might be found, would not, he believed, be thought to be wanting in regard to numerous clauses, or shew that ministers had not very fully applied themselves to the present situation of India. That bill, he said, in almost every one of its clauses, restrained and lessened the exercise of the power of those who were to act under the authority of the bill then before the House. The two bills ought therefore to be considered as it were together,

the regulations of the one tending to correct and temperate the other.

He now came to a conclusion, and said, that if he should fall in this, he should fall in a great and glorious cause, struggling not only for the company, but for the people of Great Britain and India; for many, many millions of souls. The separation of the sovereignty from the commerce, was a point which he thought essential, and it was partly provided for in the bill; but in that and many other provisions, he would be happy to be assisted by the wisdom of the House in a committee, to which, therefore, he hoped they would go with him.

The motion for the committal of the bill was opposed by Mr. William Pitt, who moved, "that the debate be adjourned till to-morrow morning;" upon which the House divided.

	Tellers.			*Tellers.*	
YEAS	Mr. E. J. Elliot Sir Geo. Yonge	120.	NOES	Mr. Fitzpatrick Mr. Sheridan	229.

The original motion was then carried.

December 1.

The order of the day being read for the House to resolve itself into a committee of the whole House, upon the bill "for vesting the affairs of the East India company in the hands of certain commissioners," Mr. Powys opposed the Speaker's leaving the chair, and was supported in his opposition to the bill by Mr. Duncombe, Mr. Martin, Mr. William Pitt, Mr. Dundas, Mr. Ord, Mr. Beaufoy, Mr. Thomas Pitt, and Mr. Arden. The bill was defended by Mr. Burke, who upon this occasion made his celebrated speech on the extent and bounds of chartered right, and by Lord John Cavendish, Mr. Fox, Sir Grey Cooper, Mr. Gregory, and the Solicitor General.

Mr. Secretary Fox delivered himself to the following effect:

Sir, the necessity of my saying something upon the present occasion, is so obvious to the House, that no apology will, I hope, be expected from me for troubling them even at so late an hour (two o'clock in the morning). I shall not enter much into a detail, or minute defence, of the particulars of the bill before you, because few particular objections have been made; the opposition to it consisting only in general reasonings, of little application some, and some totally distinct from the point in question.

This bill has been combated through its past stages upon various principles; but to this moment the House has not heard it canvassed upon its own intrinsic merits. The debate this night has turned chiefly upon two points—violation of

charter, and increase of influence; and upon both these points I shall say a few words.

The honourable gentleman, who opened the debate, (Mr. Powys,) first demands my attention, not indeed for the wisdom of the observations which fell from him this night, (acute and judicious as he is upon most occasions,) but from the natural weight of all such characters in this country, the aggregate of whom should, in my opinion, always decide upon public measures: but his ingenuity was never, in my opinion, exerted more ineffectually, upon more mistaken principles, and more inconsistent with the common tenor of his conduct, than in this debate.

The honourable gentleman charges me with abandoning that cause, which, he says, in terms of flattery, I had once so successfully asserted. I tell him, in reply, that if he were to search the history of my life, he would find that the period of it, in which I struggled most for the real, substantial cause of liberty, is this very moment that I am addressing you. Freedom, according to my conception of it, consists in the safe and sacred possession of a man's property, governed by laws defined and certain; with many personal privileges, natural, civil, and religious, which he cannot surrender without ruin to himself; and of which to be deprived by any other power, is despotism. This bill, instead of subverting, is destined to give stability to these principles; instead of narrowing the basis of freedom, it tends to enlarge it; instead of suppressing, its object is to infuse and circulate the spirit of liberty.

What is the most odious species of tyranny? Precisely that which this bill is meant to annihilate. That a handful of men, free themselves, should execute the most base and abominable despotism over millions of their fellow creatures; that innocence should be the victim of oppression; that industry should toil for rapine; that the harmless labourer should sweat, not for his own benefit, but for the luxury and rapacity of tyrannic depredation; in a word, that thirty million of men gifted by Providence with the ordinary endowments of humanity, should groan under a system of despotism, unmatched in all the histories of the world.

What is the end of all government? Certainly the happiness of the governed. Others may hold other opinions; but this is mine, and I proclaim it. What are we to think of a government, whose good fortune is supposed to spring from the calamities of its subjects, whose aggrandisement grows out of the miseries of mankind? This is the kind of government exercised under the East India company upon the natives of Indostan; and the subversion of that infamous government is the main object of the bill in question. But in the progress of

accomplishing this end, it is objected that the charter of the company should not be violated; and upon this point, Sir, I shall deliver my opinion without disguise. A charter is a trust to one or more persons for some given benefit. If this trust be abused, if the benefit be not obtained, and its failure arises from palpable guilt, or (what in this case is full as bad) from palpable ignorance or mismanagement, will any man gravely say, that trust should not be resumed, and delivered to other hands, more especially in the case of the East India company, whose manner of executing this trust, whose laxity and langour produced, and tend to produce consequences diametrically opposite to the ends of confiding that trust, and of the institution for which it was granted?—I beg of gentlemen to be aware of the lengths to which their arguments upon the intangibility of this charter may be carried. Every syllable virtually impeaches the establishment by which we sit in this House, in the enjoyment of this freedom, and of every other blessing of our government. These kind of arguments are batteries against the main pillar of the British constitution. Some men are consistent with their own private opinions, and discover the inheritance of family maxims, when they question the principles of the revolution; but I have no scruple in subscribing to the articles of that creed which produced it. Sovereigns are sacred, and reverence is due to every king: yet, with all my attachments to the person of a first magistrate, had I lived in the reign of James the Second, I should most certainly have contributed my efforts, and borne part in those illustrious struggles which vindicated an empire from hereditary servitude, and recorded this valuable doctrine, "that trust abused is revocable."

No man, Sir, will tell me, that a trust to a company of merchants, stands upon the solemn and sanctified ground by which a trust is committed to a monarch; and I am at a loss to reconcile the conduct of men who approve that resumption of violated trust, which rescued and re-established our unparalleled and admirable constitution with a thousand valuable improvements and advantages at the Revolution, and who, at this moment, rise up the champions of the East India company's charter, although the incapacity and incompetence of that company to a due and adequate discharge of the trust deposited in them by that charter, are themes of ridicule and contempt to all the world; and although, in consequence of their mismanagement, connivance, and imbecility, combined with the wickedness of their servants, the very name of an Englishman is detested, even to a proverb, through all Asia, and the national character is become degraded and dishonoured. To rescue that name from odium, and redeem this character from

disgrace, are some of the objects of the present bill; and gentlemen should, indeed, gravely weigh their opposition to a measure which, with a thousand other points not less valuable, aims at the attainment of these objects.

Those who condemn the present bill as a violation of the chartered rights of the East India company, condemn, on the same ground, I say again, the Revolution, as a violation of the chartered rights of King James II. He, with as much reason, might have claimed the property of dominion; but what was the language of the people? "No, you have no property in dominion; dominion was vested in you, as it is in every chief magistrate, for the benefit of the community to be governed; it was a sacred trust delegated by compact; you have abused that trust; you have exercised dominion for the purposes of vexation and tyranny—not of comfort, protection, and good order; and we therefore resume the power which was originally ours: we recur to the first principles of all government, the will of the many; and it is our will that you shall no longer abuse your dominion." The case is the same with the East India company's government over a territory, as it has been said by my honourable friend (Mr. Burke) of 280,000 square miles in extent, nearly equal to all christian Europe, and containing thirty million of the human race. It matters not whether dominion arises from conquest, or from compact. Conquest gives no right to the conqueror to be a tyrant; and it is no violation of right to abolish the authority which is misused.

Having said so much upon the general matter of the bill, I must beg leave to make a few observations upon the remarks of particular gentlemen; and first of the learned gentleman over against me (Mr. Dundas). The learned gentleman has made a long, and, as he always does, an able speech; yet, translated into plain English, and disrobed of the dextrous ambiguity in which it has been inveloped, what does it amount to? To an establishment of the principles upon which this bill is founded, and an indirect confession of its necessity. He allows the frangibility of charters, when absolute occasion requires it, and admits that the charter of the company should not prevent the adoption of a proper plan for the future government of India, if a proper plan can be achieved upon no other terms. The first of these admissions seems agreeable to the civil maxims of the learned gentleman's life, so far as a maxim can be traced in a political character, so various and flexible: and to deny the second of these concessions was impossible, even for the learned gentleman, with a staring reason upon your table, I mean the learned gentleman's bill of last year, to confront him if he attempted it. The learned gentleman's

bill, and the bill before you, are grounded upon the same bottom, of abuse of trust, mal-administration, debility, and incapacity in the company and their servants: but the difference in the remedy is this: the learned gentleman's bill opens a door to an influence a hundred times more dangerous than any that can be imputed to this bill, and deposits in one man an arbitrary power over millions, not in England, where the evil of this corrupt ministry could not be felt, but in the East Indies, the scene of every mischief, fraud, and violence. The learned gentleman's bill afforded the most extensive latitude for malversation; the bill before you guards against it with all imaginable precaution. Every line in both the bills which I have had the honour to introduce, presumes the possibility of bad administration, for every word breathes suspicion. This bill supposes that men are but men; it confides in no integrity, it trusts no character; it inculcates the wisdom of a jealousy of power, and annexes responsibility not only to every action, but even to the inaction of those who are to dispense it. The necessity of these provisions must be evident, when it is known that the different misfortunes of the company resulted not more from what the servants did, than from what the masters did not.

To the probable effects of the learned gentleman's bill and this, I beg to call the attention of the House. Allowing, for argument's sake, to the governor-general of India, under the first-named bill, the most unlimited and superior abilities, with soundness of heart and integrity the most unquestionable; what good consequences could be reasonably expected from his extraordinary, extravagant, and unconstitutional power, under the tenure by which he held it? Were his projects the most enlarged, his systems the most wise and excellent which human skill could adopt; what fair hope could be entertained of their eventual success, when, perhaps, before he could enter upon the execution of any measure, he may be recalled in consequence of one of those changes in the administration of this country, which have been so frequent for a few years, and which some good men wish to see every year? Exactly the same reasons which banish all rational hope of benefit from an Indian administration under the bill of the learned gentleman, justify the duration of the proposed commission. If the dispensers of the plan of governing India (a place from which the answer of a letter cannot be expected in less than twelve months) have not greater stability in their situations than a British ministry — adieu to all hopes of rendering our eastern territories of any real advantage to this country! adieu to every expectation of purging or purifying the Indian system, of reform, of improvement, of reviving confidence,

regulating the trade upon its proper principles, of restoring tranquillity, of re-establishing the natives in comfort, and of securing the perpetuity of these blessings, by the cordial reconcilement of the Indians with their former tyrants upon fixed terms of amity, friendship, and fellowship! I will leave the House and the kingdom to judge which is best calculated to accomplish those salutary ends; the bill of the learned gentleman, which leaves all to the discretion of one man, or the bill before you which depends upon the duty of several men, who are in a state of daily account to this House, of hourly account to the ministers of the crown, of occasional account to the proprietors of East India stock, and who are allowed sufficient time to practise their plans, unaffected by every political fluctuation.

But the learned gentleman wishes the appointment of an Indian secretary of state in preference to these commissioners: in all the learned gentleman's ideas on the government of India, the notion of a new secretary of state for the Indian department springs up, and seems to be cherished with the fondness of consanguinity*; but that scheme strikes me as liable to a thousand times more objections than the plan in agitation. Nay, the learned gentleman had rather, it seems, the affairs of India were blended with the business of the office which I have the honour to hold. His good disposition towards me upon all occasions cannot be doubted, and his sincerity in this opinion is unquestionable! I beg the House to attend to the reason which the learned gentleman gives for this preference, and to see the plights to which men, even of his understanding, are reduced, who must oppose. He laughs at the responsibility of the commissioners to this House, who, in his judgment, will find means of soothing, and softening, and meliorating the members into an oblivion of their mal-administration. What opinion has the learned gentleman of a secretary of state? Does he think him so inert, so inactive, so incapable a creature, that with all this vaunted patronage of the seven in his own hands, the same means of soothing, and softening, and meliorating are thrown away upon him? The learned gentleman has been for some years conversant with ministers; but his experience has taught him, it seems, to consider secretaries not only untainted and immaculate, but innocent, harm-

* Mr. Dundas's bill was to have appointed a secretary of state for the Indian department, and to have made the governor-general despotic in India. If the Earl of Shelburne had continued in power, it was understood that Mr. Dundas was to be the Indian secretary. Mr. Fox here alluded to this anecdote.

less, and incapable. In his time, secretaries were all purity — with every power of corruption in their hands; but so inflexibly attached to rigid rectitude, that no temptation could seduce them to use that power for the purpose of corrupting, or, to use his own words, for soothing, or softening, or meliorating. The learned gentleman has formed his opinion of the simplicity and inaction of secretaries, from that golden age of political probity, when his own friends were in power, and when himself was every thing but a minister. This erroneous humanity of opinion arises in the learned gentleman's unsuspecting, unsullied nature, as well as in a commerce with only the best and purest ministers of this country, which has given him so favourable an impression of a secretary of state, that he thinks this patronage, so dangerous in the hands of seven commissioners, perfectly safe in his hands! I leave to the learned gentleman that pleasure which his mind must feel under the conviction with which he certainly gives this opinion; but I submit to every man who hears me, what would be the probable comments of the other side of the House, had I proposed either the erection of an Indian secretary, or the annexation of the Indian business to the office which I hold.

In the assemblage of the learned gentleman's objections, there is one still more curious than those I have mentioned. He dislikes this bill because it establishes an *imperium in imperio*. In the course of opposition to this measure, we have been familiarized to hear certain sentiments and particular words in this House—but directed, in reality, to other places. Taking it therefore for granted, that the learned gentleman has not so despicable an idea of the good sense of the members, as to expect any more attention within these walls to such a dogma, than has been shewn to the favourite phrase of his honourable friend near him, (Mr. William Pitt,) who calls a bill which backs this sinking company with the credit of the state, a confiscation of their property, I would wish to ask the learned gentleman, if he really holds the understanding, even of the multitude, in such contempt, as to imagine this species of argument can have the very slightest effect? The multitude know the fallacy of it as well as the learned gentleman himself. They know that a dissolution of the East India company has been wished for scores of years, by many good people in this country, for the very reason that it was an *imperium in imperio*. Yet the learned gentleman, with infinite gravity of face, tells you he dislikes this bill, because it establishes the novel and odious principle. Even a glance of this bill, compared with the present constitution of the company, manifests the futility of this objection, and proves that the company is,

in its present form, a thousand times more an *imperium in imperio* than the proposed commissioners. The worst species of government is that which can run counter to all the ends of its institution with impunity. Such exactly was the East India company. No man can say, that the directors and proprietors have not, in a thousand instances, merited severe infliction; yet who did ever think of a legal punishment for either body? Now, the great feature of this bill is to render the commissioners amenable, and to punish them upon delinquency.

The learned gentleman prides himself that his bill did not meddle with the commerce of the company; and another gentleman, after acknowledging the folly of leaving the government in the hands of the company, proposes to separate the commerce entirely from the dominion, and leave the former safe and untouched to the company itself. I beg leave to appeal to every gentleman conversant in the company's affairs, whether this measure is, in the nature of things, practicable at this moment. That the separation of the commerce from the government of the East may be ultimately brought about I doubt not; but when gentlemen reflect upon the immediate state of the company's affairs, when they reflect that their government was carried on for the sake of their commerce, that both have been blended together for such a series of years; when they review the peculiarly perplexed, and involved state of the eastern territories, their dissimilitude to every system in this part of the globe, and consider the deep and laborious deliberation with which every step for the establishment of a salutary plan of government, in the room of the present odious one, must be taken—the utter impossibility of instantly detaching the governing power from interference with the commercial body will be clear and indubitable.

A gentleman has asked, why not choose the commissioners out of the body of directors; and why not leave the choice of the assistant directors in the court of proprietors? That is to say, why not do that which would infallibly undo all you are aiming at? I mean no general disparagement when I say that the body of the directors have given memorable proofs that they are not the sort of people to whom any man can look for the success or salvation of India. Amongst them there are, without doubt, some individuals respectable, both for their knowledge and integrity; but I put it to the candour of gentlemen, whether they are the sort of men whose wisdom, energy, and diligence, would give any promise of emancipating the East India concerns from their present disasters and disgraces. Indeed, both questions may be answered in two words. Why not choose the directors, who have ruined the

company? Why not leave the power of election in the proprietors, who have thwarted every good attempted by the directors?

The last point adverted to by the learned gentleman relates to influence; and upon his remarks, combined with what fell from some others upon the same subject, I beg leave to make a few observations. No small portion of my life has been employed in endeavours to diminish the inordinate influence of the crown. In common with others, I succeeded, and I glory in it. To support that kind of influence which I formerly subverted, is a deed of which I shall never deserve to be accused. The affirmation with which I first introduced this plan, I now repeat; I re-assert that this bill as little augments the influence of the crown, as any measure which can be devised for the government of India, that presents the slightest promise of solid success, and that it tends to increase it in a far less degree than the bill proposed by the learned gentleman. The very genius of influence consists in hope or fear; fear of losing what we have, or hope of gaining more. Make these commissioners removable at will, and you set all the little passions of human nature afloat. If benefit can be derived from the bill, you had better burn it than make the duration short of the time necessary to accomplish the plans it is destined for. That consideration pointed out the expediency of a fixed period; and in that respect it accords with the principle of the learned gentleman's bill: with this superior advantage, that instead of leaving the commissioners liable to all the influence which springs from the appointment of a governor-general, removable at pleasure, this bill invests them with the power for the time specified, upon the same tenure that British judges hold their station, removable upon delinquency, punishable upon guilt, but fearless of power if they discharge their trust, liable to no seducement, and with full time and authority to execute their functions for the common good of the country, and for their own glory. I beg of the House to attend to this difference, and then judge upon the point of increasing the influence of the crown, contrasted with the learned gentleman's bill.

The state of the accusations against me upon this subject of influence, is truly curious. The learned gentleman, (Mr. Dundas,) in strains of emphasis, declares, that this bill diminishes the influence of the crown beyond all former attempts, and calls upon those who formerly voted with him in support of that influence, against our efforts to reduce it, and who now sit near me, to join him now in opposing my attempts to diminish that darling influence. He tells them I "out-herod Herod;" that I am out-doing all my former out-doings; and

proclaims me as the merciless and insatiate enemy of the influence of the crown.

Down sits the learned gentleman, and up starts an honourable gentleman, with a charge against me, upon the same subject, of a nature the direct reverse. I have fought under your banner, cries the honourable gentleman, (Mr. Martin,) against that fell giant, the influence of the crown; I have bled in that battle which you commanded, and have a claim upon the rights of soldiership. You have conquered through us; and now that victory is in your arms, you turn traitor to our cause, and carry over your powers to the enemy. The fiercest of your former combatants in the cause of influence, falls far short of you at this moment; your attempts at re-erecting this monster, exceed all the exertions of your former foes. This night you will make the influence of the crown a colossus, that shall bestride the land, and crush every impediment. I impeach you for treachery to your ancient principles—come, come, and divide with us!

This honourable gentleman, after a thrust or two at the coalition, sits down; and whilst the House is perplexing itself to reconcile these wide differences, the right honourable gentleman over the way, (Mr. William Pitt,) confounds all past contradictions, by combining, in his own person, these extravagant extremes. He acknowledges that he has digested a paradox; and a paradox well he might call it, for never did a grosser one puzzle the intellects of a public assembly. By a miraculous kind of discernment he has found out, that the bill both increases and diminishes the influence of the crown.

The bill diminishes the influence of the crown, says one: you are wrong, says a second, it increases it: you are both right, says a third, for it both increases and diminishes the influence of the crown! Now, as most members have one or other of these opinions upon the subject, the right honourable gentleman can safely join with all parties upon this point; but few, I trust, will be found to join him.

Thus, Sir, is this bill combatted, and thus am I accused. The nature and substance of these objections I construe as the strongest comment upon the excellence of the bill. If a more rational opposition could be made to it, no doubt it would. The truth is, it increases the influence of the crown, and the influence of party as little as possible; and if the reform of India, or any other matter, is to be postponed until a scheme be devised, against which ingenuity, or ignorance, or caprice, shall not raise objections, the affairs of human life must stand still.

I beg the House will attend a little to the manner in which

the progress of this bill has been retarded, especially by the right honourable gentleman (Mr. W. Pitt). First, the members were not all in town, and time was desired upon that account. Next, the finances of the East India company were mis-stated by me, and time was desired to prove that. The time came, the proofs exhibited, counsel heard, and yet the issue was, that my former statement, instead of being controverted, became more established by the very proofs which were brought to overturn it. The right honourable gentleman has misrepresented me to-night again: he has an evident pleasure in it, which indeed I cannot prevent; but I can prevent this House and the country from believing him. He prefers the authority of his own conception (eager enough in all conscience to misunderstand me) of what I said, to my own repeated declarations of my own meaning. He supposes a mistake because he wishes it. I never did say the company were absolute bankrupts to the amount of the debt; but I said there was immediate necessity of paying that given sum, without any immediate means of providing for it. The account of the company's circumstances, presented last week, furnished matter of triumph to the right honourable gentleman for the full space of three hours, that is to say, whilst counsel were at the bar. I made no objection to the account but this trifling one — that twelve millions were stated which ought not to appear at all there, and which were placed there only for delusion and fallacy! I never objected to the arithmetic of the account. The sums, I doubt not, were accurately cast up even to a figure: yet the House will recollect, that the right honourable gentleman, about this very hour of that debate, endeavoured to protract the business to the next day, upon assuring the House that the company would then support their statement. I refused to accede, because I knew the matter to be mere shifting and manœuvring for a vote, and that the company could not support their statement. Was I right? The House sees whether I was: the House sees the finance-post is now totally abandoned, and for the best reason in the world, because it is no longer tenable. But the right honourable gentleman is indeed a man of resources; he now gives me a challenge, and I beg the House to remark, that I accept his challenge, and that I prophecy he will no more meet me upon this than upon the former points.

But there is no limit to a youthful and vigorous fancy. The right honourable gentleman just now, in very serious terms, and with all his habitual gravity, engages, if the House will join in opposing us to-night, that he will digest and methodise a plan, the outline of which he has already

conceived. He has nothing now to offer; but justly confiding in the fertility of his own imagination, and the future exercise of his faculties, he promises that he will bring a plan, provided the majority of this House will join him to-night. Now, if ever an idea was thrown out to pick up a stray vote or two in the heel of a debate, by a device, the idea given a while ago by the right honourable gentleman is precisely such; but if I can augur rightly from the complexion of the House, his present will have exactly the same success with all his past stratagems to oppose this bill.

The learned gentleman (Mr. Dundas) with singular placidness, without smile or sneer, has said, "as this measure was probably decided upon some time since, the East India company, who could not expect such a blow, ought to have been informed of the intended project. The company was evidently unaware of this attack, and, in fairness, should have been apprised of it." Does the learned gentleman imagine men are in their sober senses, who listen to such cavilling and quibbling opposition? The company unaware of this attack! The learned gentleman's own labours, independent of any other intimation, had been an ample warning to the company to be prepared. Every man in the kingdom, who reads a newspaper, expected something; and the only wonder with the nation was, how it could be so long delayed. The reports of the committees alarmed the public so much, for the honour of the country, and for the salvation of the company, that all eyes were upon East India affairs. This sort of observation had, indeed, much better come from any other man in this House, than from that identical gentleman.

But if these were not sufficient to rouse the attention and diligence of the company, his majesty's speech at the commencement and conclusion of the late session of parliament, gave them note of preparation in the most plain and decisive terms. In his opening speech, his majesty thus speaks to parliament upon the subject of India:—"The regulation of a vast territory in Asia, opens a large field for your wisdom, prudence, and foresight: I trust that you will be able to form some fundamental laws which may make their connection with Great Britain a blessing to India; and that you will take therein proper measures to give all foreign nations, in matters of foreign commerce, an entire and perfect confidence in the probity, punctuality, and good order of our government. You may be assured that whatever depends upon me, shall be executed with a steadiness, which can alone preserve that part of my dominions, or the commerce which arises from it."

The learned gentleman, who knows more of the disposi-

tions of the cabinet at that time than I do, can better tell whether any measure of this nature was then intended. The words are very wide, and seem to portend at least something very important; but whether any thing similar to this measure was meant, as this passage seems to imply, or not, is indifferent to the point in question. This is clear from it, that it gives a very ceremonious warning to the East India company; enough surely to expose the weakness and futility of the learned gentleman's remark. The changes and circumstances of the cabinet, in the course of the last session, can be the only excuse for the delay of some decisive measure with regard to India; and if in addition to all these, any thing more is requisite to confirm the notoriety of parliament being to enter upon the business, the following paragraph of the king's closing speech, last July, completes the mass of evidence against the learned gentleman. His majesty, after intimating a belief that he shall be obliged to call his parliament together earlier than usual, thus speaks: — "The consideration of the affairs of the East Indies will require to be resumed as early as possible, and to be pursued with a serious and unremitting attention." Superadd to all this, the part of the king's opening speech this year upon India; and if the whole do not constitute sufficient testimony that the company had full notice, nothing can.

Yet, notwithstanding all this, the learned gentleman accuses us of surprising the company; and his right honourable friend, in hopes his proposal of another bill may have weight in the division, repeats the hacknied charge of precipitation, and forces the argument for delay in a taunt, "that we wish to get rid of our torments, by sending this bill to the other House." The right honourable gentleman's talents are splendid and various; but I assure him, that all his efforts, for the last eight days, have not given me a single torment. Were I to chuse a species of opposition to insure a ministerial tranquillity, it would be the kind of opposition which this bill has received, in which every thing brought to confute, has tended to confirm, and in which the arguments adduced to expose the weakness, have furnished materials to establish the wisdom of the measure: so impossible is it, without something of a tolerable cause, even for the right honourable gentleman's abilities to have effect, though his genius may make a flourishing and superior figure in the attempt!

Before I proceed to the other parts of the debate, I wish to say one word upon a remark of the learned gentleman: he says, that the clause relative to the zemindars was suggested by his observations. God forbid I should detract from the merit, or diminish the desert of any man! Un-

doubtedly that excellent part of the regulation-bill originated with the learned gentleman; and if he had been in this House when I introduced the subject of India, he would have known that I did him full and complete justice upon that point.

My noble friend (Lord John Cavendish) has said, that this bill does not arise from the poverty of the company, but that liberal policy and national honour demanded it. Upon the last day this bill was debated, I confined myself chiefly to the demonstration of the fallacy and imposture of that notable schedule presented by the East India company; and having proved its falsehood, I can now with the greater safety declare, that if every shilling of that fictitious property was real and forthcoming, a bill of this nature would not therefore be the less necessary. I thought we were fully understood upon this point, from the opening speech in this business, which did not so degrade the measure as to say it originated in the poverty of the company, which, as my noble friend rightly remarks, was the smallest reason for its adoption, and which opinion is not, as the right honourable gentleman insinuates, "shifting," but recognising and recording the true grounds of the bill. If any misunderstanding, then, has hitherto taken place upon this head, it will, I trust, cease henceforth, and so odious a libel upon this country will not pass current, as that sordid motives only induced the government of England to that which we were bound to do, as politicians, as christians, and as men, by every consideration which makes a nation respectable, great, and glorious.

Having vindicated the bill from this aspersion, and founded it upon that basis which every honest and sensible man in England must approve, I may be allowed to say that some regard may be had even to the mean and mercenary upon this subject—a portion of whom we have here, in common with all other countries. Will such men endure with temper a constant drain upon this kingdom, for the sake of this monopolizing corporation? Will those, for instance, who clamour against a two-penny tax, afford, with good humour, million after million to the East India company? The sinking fund is at this moment a million the worse for the deficiencies of the company, and as the noble lord (John Cavendish) says, an extent must in three weeks arrest their property, if parliament does not interpose or enable them to discharge a part of their debt to the crown. Let those, therefore, who think the commerce ought to be instantly separated from the dominion, (were that at this time possible,) and who think it ought to be left wholly in the present hands, reflect, that the formation of a vigorous system of government for In-

dia is not more incumbent upon us, than the establishment of the eastern trade upon such principles of solidity and fitness, as shall give some just hopes that the public may be speedily relieved from the monstrous pressure of constantly supporting the indigence of the company.

I have spoken of myself very often in the course of what I have said this night, and must speak still more frequently in the course of what I have to say: the House will see this awkward task is rendered indispensable, infinitely more having been said concerning me; during the debate, than concerning the question, which is the proper subject of agitation. The right honourable gentleman (Mr. W. Pitt) says, that nothing ever happened to give him an ill impression of my character, or to prevent a mutual confidence. He says rightly; there have been interchanges of civility, and amicable habits between us, in which I trust I have given him no cause to complain. But after pronouncing a brilliant eulogy upon me and my capacity to serve the country, the right honourable gentleman considers me at the same time the most dangerous man in the kingdom.

Mr. Pitt said across the House, "dangerous only from this measure:" to which Mr. Fox instantly made this reply; I call upon the House to attend to the right honourable gentleman; he thinks me dangerous only from this measure, and confesses, that hitherto he has seen nothing in my conduct to obliterate his good opinion. Compare this with his opposition during the last and the present session. Let every man reflect, that up to this moment the right honourable gentleman deemed me worthy of confidence, and competent to my situation in the state. I thank him for the support he has afforded to the minister he thus esteemed, and shall not press the advantage he gives me, farther than leaving to himself to reconcile his practice and his doctrine in the best manner he can.

The right honourable gentleman could not for one night pass by the coalition, yet I think he might have chosen a fitter time to express his indignation against the noble lord (North) than the present moment. An attack upon the noble lord in his presence would bear a more liberal colour; and the cause of his absence now*, would surely rather disarm than irritate a generous enemy. There are distinctions in hatred, and the direst foes upon such occasions moderate their aversion. The coalition, is, however, a fruitful topic, and the power of traducing it, which the weakest and

* Lord North left the house, in a state of indisposition, about midnight

meanest creatures in the country enjoy and exercise, is of course equally vested in men of rank and parts, though every man of parts and rank would not be apt to participate in the privilege. Upon the coalition, the right honourable gentleman is welcome to employ his ingenuity, but upon another subject alluded to by him, I shall beg leave to advise, nay even to instruct him.

In what system of ethics will the right honourable gentleman find the precept taught of ripping up old sores, and reviving animosities among individuals, of which the parties themselves retain no memory *? This kind of practice may incur a much worse charge than weakness of understanding, and subject a man to much greater imputations than are commonly applied to political mistakes or party violence. The soundness of the heart may be liable to suspicion, and the moral character be in danger of suffering by it, in the opinion of mankind. To cover the heats, and obliterate the sense of former quarrels between two persons, is a very distinguished virtue: to renew the subject of such differences, and attempt the revival of such disputes, deserves a name which I could give it, if that right honourable gentleman had not forgotten himself, and fallen into some such deviation. He values himself I doubt not, too much, again to make a similar slip, and must even feel thankful to me for the counsel I thus take the liberty to give him.

An honourable gentlemen under the gallery, (Mr. Martin,) to whom an abuse of the coalition seems a sort of luxury, wishes that a starling were at the right hand of the chair to cry out "disgraceful coalition!" Sir, upon this subject I shall say but a few words. The calamitous situation of this country required an administration whose stability could give it a tone of firmness with foreign nations, and promise some hope of restoring the faded glories of the country. Such an administration could not be formed without some junction of parties; and if former differences were to be an insurmountable barrier to union, no chance of salvation remained for the country; as it is well known, that four public men could not be found, who had not, at one time or other, taken opposite sides in politics. The great cause of difference between us and the noble lord in the blue ribbon no longer existed; his personal character stood high; and thinking it safer to trust him than those who had before deceived us, we preferred to unite with the noble lord. A similar

* Mr. Pitt, in the course of his speech, had alluded to the duel between Mr. Fox and Mr. Adam: See Vol. i. p. 204.

junction, in 1757, against which a similar clamour was raised, saved the empire from ruin, and raised it above the rivalship of all its enemies. The country, when we came into office, bore not a very auspicious complexion; yet, Sir, I do not despair of seeing it again resume its consequence in the scale of nations, and again make as splendid a figure as ever. Those who asserted the impossibility of our agreeing with the noble lord and his friends, were false prophets; for events have belied their augury. We have differed like men, and like men we have agreed. A body of the best and honestest men in this House, who serve their country without any other reward than that arising from the disinterested discharge of their public duty, approved that junction, and sanctify the measure by their cordial support.

Such, Sir, is this coalition, which the state of the country rendered indispensable; and for which the history of every country records a thousand precedents; yet to this the term disgraceful is applied. Is it not extraordinary, then, that gentlemen should be under such spells of false-delusion, as not to see, that if calling it disgraceful makes it so, these epithets operate with equal force against themselves. If the coalition be disgraceful, what is the anti-coalition? When I see the right honourable gentleman (Mr. W. Pitt) surrounded by the early objects of his political, nay his hereditary * hatred, and hear him revile the coalition, I am lost in the astonishment how men can be so blind to their own situation, as to attempt to wound us in this particular point, possessed as we are of the power of returning the same blow, with the vulnerable part staring us directly in the face. If the honourable gentleman under the gallery wishes that a starling were perched upon the right hand of the chair, I tell him, that the wish is just as reasonable, to have another starling upon the left hand of the chair, to chirp up coalition against coalition, and to harmonize their mutual disgrace, if disgrace there be.

With the same consistency, an honourable gentleman calls us deserters — Us! A few cold and disaffected members fall off, then turn about, and, to palliate their own defection, call the body of the army deserters! We have not deserted; here we are a firm phalanx. Deserted, indeed, we have been in the moment of disaster, but never dejected, and seldom complaining. Some of those who rose upon our wreck, and who eagerly grasped that power which we had the labour of erecting, now call us deserters. We retort the term with just indignation. Yet whilst they presume we

* Mr. Jenkinson sat near Mr. Pitt, Mr. Dundas, &c.

we have the attributes of men, they would expect us to have the obduracy of savages. They would have our resentments insatiate, our rancour eternal. In our opinion, an oblivion of useless animosity is much more noble; and in that, the conduct of our accusers goes hand in hand with us. But I beg of the House, and I wish the world to observe, that although, like them, we have abandoned our enmities, we have not, like them, relinquished our friendships; but there are a set of men, who, from the mere vanity of having consequence as decisive voters, object to all stable government; these men hate to see an administration so fixed, as not to be moveable by their vote. They assume their dignity on the mere negative merit of not accepting places, and in the pride of this self-denial, and the vanity of fancied independence, they object to every system that has a solid basis, because their consequence is unfelt. Of such men I cannot be the panegyrist, and I am sorry that some such men are among the most estimable in this House.

An honourable gentleman advises me for the future, not to mention the name of the Marquis of Rockingham, who, he says, would never countenance a bill of this kind. This is indeed imposing hard conditions upon those who have willingly suffered a sort of political martyrdom in the cause of that noble lord's principles, those who surrendered pomp and power, rather than remain where his principles ceased to be fashionable, and were withering into contempt. I venerate the name of that noble marquis, and shall ever mention it with love and reverence; but at no period of my life with more confidence than at this moment, when I say, that his soul speaks in every line of the bill before you, for his soul speaks in every measure of virtue, wisdom, humane policy, general justice, and national honour. The name of the noble lord who enjoys his fortune, has been mentioned in this debate, and will be mentioned again by me; I will tell the honourable gentlemen, that this noble lord, (Earl Fitzwilliam,) though not the issue of his loins, inherits, with his property, the principles of that noble marquis in all their purity and soundness; and is as incapable as that noble marquis himself was, or as any man on earth is, of countenancing any act which either immediately or ultimately tends to the prejudice of his country, or the injury of the constitution. I have had the honour of knowing the noble earl from an early age. I have observed the motives of his actions; I am endeared to him by every tie of kindred sentiment, and of mutual principle. A character more dignified and exalted exists not in the empire; nor a mind more firmly attached to the constitution of his country: he is, what the nation would desire

in the heir of the Marquis of Rockingham,—the only compensation that we can have for his loss.

An honourable gentleman (Mr. Thomas Pitt) has used violent terms against this bill, and the movers of it. Sir, I tell that honourable gentleman (looking directly in the face of Mr. T. Pitt) that the movers of this bill are not to be brow-beaten by studied gesture, nor frightened by tremulous tones, solemn phrases, or hard epithets. To arguments they are ready to reply; but all the notice they can take of assertions, is to mark to the House, that they are only assertions. The honourable gentleman again repeats his favourite language of our having "seized upon the government;" his majesty changed his ministry last April, in consequence of a vote of this House; his majesty did the same twelve months before, in consequence of a vote of this House. His majesty in so doing followed the example of his predecessors; and his successors will, I doubt not, follow the example of his majesty. The votes of parliament have always decided upon the duration of ministry, and always will, I trust. It is the nature of our constitution; and those who dislike it, had better attempt to alter it. The honourable gentleman called the change in 1782 a glorious one; this in 1783 a disgraceful one. Why? For a very obvious, though a very bad reason. The right honourable gentleman assisted in effecting the first, and strenuously laboured to prevent the second. The first battle he fought with us; the second against us, and we vanquished him. In 1782 his friends were out, and would be in. In 1783 his friends were in, nor would go out. Thus having done without him what we once did with him, the House sees his motive. It is human nature; but certainly not the better part of human nature. He says he is no party man, and he abhors a systematic opposition. I have always acknowledged myself to be a party man; I have always acted with a party in whose principles I have confidence, and if I had such an opinion of any ministry as the right honourable gentleman professes to have of us, I would pursue their overthrow by a systematic opposition. I have done so more than once, and I think that, in succeeding, I saved my country. Once the right honourable gentleman, as I have said, was with me, and then our conduct was fair, manly, constitutional, and honourable! The next time he was against me, and our conduct was violent and unconstitutional, it was treasonable, and yet the means were in both instances the same, the means were the votes of this House.

A game of a two-fold quality is playing by the other side of the House upon this occasion, to which I hope the House, and the kingdom, will attend. They are endeavouring to

injure us through two channels at the same time, through a certain great quarter, and through the people. They are attempting to alarm the first, by asserting that this bill increases the influence of ministry against the crown; and rousing the people, under an idea that it increases the influence of the crown against them. That they will fail in both I doubt not. In the great quarter I trust they are well understood, and the princely mind of that high person is a security against their devices: they are running swiftly to take off whatever little imposition might have been put upon any part, even of the multitude. And I wish to rescue the character of the public understanding from the contemptuous implication, that it is capable of being gulled by such artifices. I feel for my country's honour when I say, that Englishmen, free themselves, and fond of giving freedom to others, disdain these stratagems, and are equally above the silliness of crediting the revilers of this act, as above the baseness of confederating or making common cause with those who would support a system which has dishonoured this country, and which keeps thirty millions of the human race in wretchedness. I make allowances for the hair-brained headstrong delusions of folly and ignorance, and the effects of design. To such evils every measure is liable, and every man must expect a portion of the consequence. But for the serious and grave determinations of the public judgment I have the highest value; I ever had, and ever shall have. If it be a weakness, I confess it, that to lose the good opinion of even the meanest man, gives me some pain; and whatever triumph my enemies can derive from such a frame of mind, they are welcome to. I do not, after the example of the honourable gentleman who began this debate, hold the opinion of constituents in disparagement. The clear and decided opinion of the more reasonable and respectable should, in my mind, weigh with the member upon the same principle, that I think the voice of the nation should prevail in this House, and in every other place. But when the representative yields to the constituent, it should indeed be by the majority of the reasonable and respectable, and not, as we shall see in a day or two, some of the honestest men in England voting against the most popular tax ever introduced into this House, in direct opposition to their own conviction, and not upon the opinion of either the more respectable or reasonable class of their constituents.

My noble friend, (Lord John Cavendish,) with his characteristic spirit, has said, that we never sought power by cabal or intrigue, or under-hand operations; and this he said in reply to an honourable gentleman, (Mr. Thomas Pitt,) whose

conduct demonstrates that he thinks those the surest path for his friends. This bill, as a ground of contention, is farcical; this bill, if it admitted it, would be combated upon its intrinsic qualities, and not by abusing the coalition, or raising a clamour about influence: but why do not the gentlemen speak out fairly, as we do; and then let the world judge between us? Our love and loyalty to the sovereign are as ardent and firm as their own. Yet the broad basis of public character, upon which we received, is the principle by which we hope to retain this power; convinced as we are that the surest road to the favour of the prince, is by serving him with zeal and fidelity; that the safest path to popularity, is by reducing the burden, and restoring the glory of the nation. 'Let those [looking at Mr. Jenkinson] who aim at office by other means, by inscrutable and mysterious methods, speak out; or, if they will not, let the world know it is because their arts will not bear examination, and that their safety consists in their obscurity. Our principles are well known; and I would rather perish with them, than prosper with any other.

The honourable gentleman under the gallery (Mr. Martin) also says, he dislikes systematic opposition. Whether perpetually rising up with peevish, capricious objections to every thing proposed by us, deserve that name or not, I leave the gentleman himself to determine, and the House to reflect upon that kind of conduct which condemns the theory of its own constant practice; but I meet the gentleman directly upon the principle of the term. He dislikes systematic opposition; now, I like it. A systematic opposition to a dangerous government is, in my opinion, a noble employment for the brightest faculties; and if the honourable gentleman thinks our administration a bad one, he is right to contribute to its downfal. Opposition is natural in such a political system as ours; it has subsisted in all such governments; and perhaps it is necessary. But to those who oppose it, it is extremely essential that their manner of conducting it should not incur a suspicion of their motives. If they appear to oppose from disappointment, from mortification, from pique, from whim, the people will be against them. If they oppose from public principle, from love of their country rather than hatred to administration, from evident conviction of the badness of measures, and a full persuasion that in their resistance to men, they are aiming at the public welfare, the people will be with them. We opposed upon these principles, and the people were with us; if we are opposed upon other principles, they will not be against us. Much labour has been employed to infuse a prejudice upon the present subject; and

I have the satisfaction to believe, that the labour has been fruitless; making, however, a reasonable exception for the mistakes of the uninformed, the first impressions of novelty, and the natural result of deliberate malice. We desire to be tried by the test of this bill, and risk our character upon the issue; confiding thoroughly in the good sense, the justice, and the spirit of Englishmen. Not lofty sounds, nor selected epithets, nor passionate declamation in this House, nor all the sordid efforts of interested men out of this House —of men whose acts in the East have branded the British name, and whose ill-gotten opulence is working through a thousand channels to delude and debauch the public understanding—can fasten odium upon this measure, or draw down obloquy upon the authors of it. We have been tried in the cause of the public; and until we desert that cause, we are assured of public confidence and protection.

The honourable gentleman (Mr. Powys) has supposed for me a soliloquy, and has put into my mouth some things which I do not think are likely to be attributed to me: he insinuates that I was incited by avarice, or ambition, or party spirit. I have failings in common with every human being, beside my own peculiar faults: but of avarice I have indeed held myself guiltless. My abuse has been, for many years, even the profession of several people; it was their traffic, their livelihood; yet until this moment I knew not that avarice was in the catalogue of the sins imputed to me. Ambition I confess I have, but not ambition upon a narrow bottom, or built upon paltry principles. If, from the devotion of my life to political objects, if from the direction of my industry to the attainment of some knowledge of the constitution, and the true interests of the British empire, the ambition of taking no mean part in those acts that elevate nations and make a people happy, be criminal, that ambition I acknowledge. And as to party spirit—that I feel it, that I have been ever under its impulse, and that I ever shall, is what I proclaim to the world. That I am one of a party, a party never known to sacrifice the interests, or barter the liberties of the nation for mercenary purposes, for personal emolument or honours; a party linked together upon principles which comprehend whatever is dear and most precious to free men, and essential to a free constitution, is my pride and my boast.

The honourable gentleman has made one assertion, which it is my pride to confirm: he says that I am connected with a number of the first families in the country. Yes, Sir, I have a peculiar glory that a body of men renowned for their ancestry, important for their possessions, distinguished for their personal worth, with all that is valuable to men at stake,

hereditary fortunes and hereditary honours, deem me worthy of their confidence. With such men I am something—without them, nothing. My reliance is upon their good opinion; and in that respect, perhaps, I am fortunate. Although I have a just confidence in my own integrity, yet as I am but man, perhaps it is well that I have no choice but between my own eternal disgrace and a faithful discharge of my public duty. Whilst these kind of men are overseers of my conduct, whilst men whose uprightness of heart and spotless honour are even proverbial in the country [looking at Lord John Cavendish] are the watchmen of my deeds, it is a pledge to the public for the purity and rectitude of my conduct. The prosperity and honour of the country are blended with the prosperity and honour of these illustrious persons. They have so much at stake, that if the country falls, they fall with it; and to countenance any thing against its interest, would be a suicide upon themselves. The good opinion and protection of these men is a security to the nation for my behaviour, because if I lose them, I lose my all.

Having said thus much upon the extraneous subjects introduced by the honourable gentleman into the debate, I shall proceed to make some observations upon the business in question. When the learned gentleman brought in his bill last year, the House saw its frightful features with just horror; but a very good method was adopted to soften the terrors of the extravagant power that bill vested in the governor-general. The name of a noble lord (Cornwallis) was sent forth at the same time, whose great character lent a grace to a proposition, which, destitute of such an advantage, could not be listened to for one moment. Now, Sir, observe how differently we have acted upon the same occasion. Earl Fitzwilliam has been spoken of here this day, in those terms of admiration with which his name is always mentioned. Take notice, however, that we did not avail ourselves of the fame of his virtue and abilities in passing this bill through the House. If such a thing were to have taken place as the institution of an Indian secretaryship, (according to the suggestions of some gentlemen) this noble lord would certainly have been the very person whom, for my part, I should have advised his majesty to invest with that office. Yet, although his erect mind and spotless honour would have held forth to the public the fullest confidence of a faithful execution of it duties, the objections in regard to influence upon a removeable officer, are tenfold in comparison with the present scheme. The House must now see, that with all the benefits we might derive from that noble lord's character—that although his name would have imparted a sanctity, an ornament, and an

honour to the bill, we ushered it in without that ceremony, to stand or fall by its own intrinsic merits, neither shielding it under the reputation, nor gracing it under the mantle, of any man's virtue. Our merit will be more in this, when the names of those are known whom we mean to propose to the House, to execute this commission. [Name them, said Mr. Arden, across the House.] I will not—I will not name them; the bill shall stand or fall by its own merits, without aid or injury from their character. An honourable gentleman has said that these commissioners will be made up of our "adherents and creatures." Sir, there is nothing more easy than to use disparaging terms; yet I should have thought the name of Earl Fitzwilliam would have given a fair presumption that the colleagues we shall recommend to this House for the co-execution of this business with that noble Lord, will not be of a description to merit these unhandsome epithets. I assure the honourable gentleman they are not. I assure him they are not men whose faculties of corrupting, or whose corruptibility, will give any alarm to this House, or to the country; they are men whose private and public characters stand high and untainted; who are not likely to countenance depredation, or participate in the spoils of rapacity. They are not men to screen delinquency, or to pollute the service by disgraceful appointments. Would such men as Earl Fitzwilliam suffer unbecoming appointments to be made? Is Earl Fitzwilliam a man likely to do the dirty work of a minister? If they, for instance, were to nominate a Paul Benfield to go to India in the Supreme Council, would Earl Fitzwilliam subscribe to his appointment? This is the benefit of having a commission of high honour, chary of reputation, noble and pure in their sentiments, superior to the little jobs and traffic of political intrigue.

But this bill, Sir, presumes not upon the probity of the men; it looks to the future possibility of dissimilar successors, and to the morality of the present commissioners, who are merely human, and therefore not incapable of alteration. Under all the caution of this bill, with the responsibility it imposes, I will take upon me to say, that if the aggregate body of this Board determined to use all its power for the purpose of corruption, this House, and the people at large, would have less to dread from them, in the way of influence, than from a few Asiatics who will probably be displaced in consequence of this arrangement, some of whom will return to this country with a million, some with seven hundred thousand, some with five, beside the three or four hundred thousand of others, who are cut off in their career by the hand of fate. An inundation of such wealth is far more dan-

gerous than any influence that is likely to spring from a plan of government so constituted as the one proposed—whether the operation of such a mass of wealth be considered in its probable effects, upon the principles of the members of this House, or the manners of the people at large, more especially when a reflection that Orientalists are in general the most exemplary class of people in their morals, and in their deportment the most moderate, and corresponding with the distinction of their high birth and family, furnishes a very reasonable presumption, that the expenditure of their money will be much about as honourable as its acquirement.

I shall now, Sir, conclude my speech with a few words upon the opinion of the right honourable gentleman (Mr. Pitt). He says, he will stake his character upon the danger of this bill. I meet him in his own phrase, and oppose him, character to character; I risk my all upon the excellence of this bill; I risk upon it whatever is most dear to me, whatever men most value, the character of integrity, of talents, of honour, of present reputation and future fame; these, and whatever else is precious to me, I stake upon the constitutional safety, the enlarged policy, the equity, and the wisdom of this measure, and have no fear in saying, (whatever may be the fate of its authors) that this bill will produce to this country every blessing of commerce and revenue; and that by extending a generous and humane government over those millions whom the inscrutable destinations of Providence have placed under us in the remotest regions of the earth, it will consecrate the name of England amongst the noblest of nations.

Mr. Fox then recapitulated the heads of his speech, and sat down. He was upon his legs about an hour and a half.

At four o'clock in the morning the House divided on the question, that the Speaker do leave the chair:

	Tellers.			*Tellers.*	
YEAS	Mr. Eden, Mr. Sheridan	217.	NOES	Lord Mahon, Mr. Arden	103.

So it was resolved in the affirmative.

December 8.

On the 3rd of December the bill was committed, and the persons nominated to be commissioners or directors were, the Earl Fitzwilliam, Mr. Frederick Montagu, Lord Lewisham, Mr. George Augustus North, Sir Gilbert Elliott, Sir Henry Fletcher, and Mr. Gregory. On the 8th, Mr. Secretary Fox moved the third reading of the bill "for vesting the affairs of the East-India Company in the hands of certain commissioners for the benefit of the proprietors and the public." This occasioned a warm debate, which lasted,

till three in the morning. In reply to the observations of Mr. Powys, Mr. Scott, and Lord Mulgrave,

Mr. Secretary Fox rose, not, he said, so much to remove the unfavourable opinions gentlemen had of his conduct as a minister, as to wipe off the infamy and reproach they had, in the course of that debate, been pleased to cast upon his reputation as a man. He thought he had been very unhandsomely treated. It was not enough that gentlemen had allowed him no goodness, no virtue, no merit whatever; they had ascribed to him many positive defects, and had expressed their malice, for he would call it nothing but malice, with all the virulence and all the malignity which fancy could invent. There was one circumstance of crimination which he took exceedingly ill. An honourable gentleman (Mr. Powys) had charged him with a species of delinquency which touched his feelings more than any other, because the only principle from which it could flow, was a principle the most opposite of all others to those by which he was actuated. That honourable gentleman had said, that in consequence of the great majority which ministers had in that House, he had insulted the weaker party—in his own words, or something like his own words, "triumphed over the impotence of independent members." It was, he said, a cruel insinuation; and it was as unjust as it was cruel. It supposed him guilty of a crime which he never was capable of conceiving; and it plainly declared, that all his professions of candour, of disinterestedness, and of attachment to the sacred rights of mankind, were nothing but words, delusive words, framed for some other purpose. He desired that the honourable gentleman who had spoken of him with so much freedom, might be assured that no expressions that ever had fallen from him, were ever meant to apply to him. He did not know that he had ever said any thing personal; if he had, it was aimed at those self-important members, who were so fond of their own conceits, and who thought every thing they uttered should be received as a law. He was not certain that he had not some time or other spoken with that intention; but to blame the honourable gentleman, who seemed so much chagrined, would have been among the last things that would have struck him. His virtue, his patriotism, his commendable zeal, all conspired to forbid any such impeachment.

Mr. Fox here observed, that gentlemen had that night discovered uncommon warmth in the cause they were engaged in. They had been very earnest to thwart and oppose his wishes. They had also shewn skill in their mode of attack on him: they had placed a learned and eloquent member (Mr. Scott) in front; and he had certainly acquitted himself ably. But

he was not yet overthrown; he trusted to the goodness of his cause, and the support of his friends for success. A noble lord (Mulgrave) had said much on the imminent danger that had been brought upon the state, by the accession of influence which the crown was about to receive. That noble lord, and almost every other gentleman who had spoken, had deprecated that influence, and at the same time had beheld with astonishment the change of principles which sensibly appeared in him (Mr. Fox) in all his late proceedings; but he could easily satisfy them, if they would be satisfied, of the groundless nature of their fears in the first instance, and of their deception in the other. The influence they so much dreaded, was not an influence that would revert to the crown; it might revert to the crown; that was not impossible; but it was more likely to return to the independent members of that House; to those very members, with grasping at whose indisputable rights, he was now accused—but falsely accused. Respecting the change of my principles, said Mr. Fox, I declare, that I am sensible of no such change; none such has taken place: at this very moment I entertain the same jealousies of the rights of parliament, and of the people; and I watch with the same circumspection that ever I did, every degree of undue patronage or influence which the crown may acquire. When I went into office, the power of the crown had been diminished: the different powers in the state were pretty equally poised; that was a state I wished to see them in, and it is a state that they shall always continue in, if my best exertions can effect that desirable object. With regard to the bankruptcy of the state, the learned gentleman (Mr. Scott) who has said so much, has told us that the statement of another learned gentleman, who is now absent, was such and such, and that he had advanced such stubborn facts that nothing could resist them. Is it fair thus to combat one with the opinions of a man who is not here to give his reasons? But this is the way, the unfair way, in which I am attacked; every gentleman on the opposite side of the House has set his terrors in array before me; but I am not to be terrified. I understand their terror; and I give it its proper appellation, it is nothing but envenomed malice.

Mr. Fox then observed, that his bill had been violently opposed in all its stages; but it stood on so secure a basis, and, what some gentleman might wonder to hear him say, it was so popular, that he was not afraid to trust its issue to the decision of the public. It had been absurdly said, that the present bills both increased and decreased the power of the crown. In God's name, said he, what power or influence does my bill take from the crown that it possessed before? Or what power does it add which it did not possess before? The bill takes no

influence from the crown; but it adds a good deal to parliament; and if it be doubtful in any of its tendencies, it is the duty of parliament to examine it carefully, and to try to correct its defects. The right honourable secretary concluded with asserting the rights of the independent members; and with declaring, that to deprive them of any of those rights would be the last act of which he was capable.

The other speakers in support of the motion were, Mr. Nichols, Mr. John Luttrell, General Burgoyne, Mr. Anstruther, Mr. Adam, Mr. Erskine, the Attorney-General, Mr. Rigby, Mr. Sheridan, and Mr. Courtenay. The speakers against the motion were Mr. Hamilton, Mr. Wilkes, Mr. W. Grenville, Mr. Martin, Sir Richard Hill, Mr. W. Pitt, Mr. Arden, Mr. Wilberforce, Mr Jenkinson, Mr. Dundas, Sir Cecil Wray, Sir Watkin Lewes, Mr. Alderman Townshend, Mr. Alderman Sawbridge, and Mr. Flood. On a division the numbers were

	Tellers.			*Tellers.*	
YEAS	Lord Maitland Mr. Burke	208.	NOES	Mr. Powys Sir George Yonge	102.

The bill was then read a third time and passed; and on the following day Mr. Fox, attended by a great number of members presented it at the bar of the House of Lords.

December 17.

Up to the period of the preceding debate, no symptoms had appeared, at least to the public eye, that indicated the approaching fate both of the bill and its authors. Great pains, indeed, were taken, and with considerable success, by an almost incredible circulation of pamphlets and political engravings, to inflame the nation against the measures and the persons of administration; and it was also remarked, that in the House of Commons, several of that description of members, well known by the name of king's friends, gave their votes on the side of opposition. But it was generally imagined, that as, on the one hand, the ministry was too strong to be shook by the breath of popular clamour, so on the other, it seemed to the last degree improbable that they should have adopted a measure of such infinite importance, either without knowing, or contrary to the inclinations of the king. On the first reading of the bill in the House of Lords, Earl Temple, Lord Thurlow, and the Duke of Richmond, expressed their abhorrence of the measure in the strongest and most unqualified terms. A brilliant panegyric on Mr. Hastings was pronounced by Lord Thurlow; and the flourishing state of the company's affairs insisted on. After a short debate relative to the production of papers, on which the lords in opposition did not choose to divide the house, the second reading was fixed for Monday, December 15th. In the mean time, various rumours began to circulate, relative to some extraordinary motions in the interior of the court. It was confidently affirmed, that on the 11th of December the king signified to the Earl Temple, who had been ordered to attend him

in the closet for that purpose, his disapprobation of the India bill, and authorized him to declare the same to such persons as he might think fit; that a written note was put into his hands, in which his majesty declared "That he should deem those who should vote for it not only not his friends, but his enemies; and that if he (Lord Temple) could put this in stronger words, he had full authority to do so." And, lastly, that in consequence of this authority, communications had been made to the same purport to several peers in the upper house; and particularly to those whose offices obliged them to attend the king's person. Some extraordinary circumstances, which happened on the 15th of December, the day of the second reading of the bill confirmed the probability of the truth of these reports. Several lords, who had entrusted their proxies to the minister and his friends, withdrew them only a few hours before the house met; and others, whose support he had every reason to expect, gave their votes on the side of opposition. On the division, which took place upon a question of adjournment, the ministers were left in a minority of 79 to 87. The same day the House of Commons, on the motion of Mr. Baker, took into consideration the reports above alluded to. He stated, shortly, that the public notoriety, both of the fact itself and of the effects it had produced, called on the house, which was the natural guardian of the constitution, for their immediate interference. He divided the criminality of the subject matter of the report into two parts; first, the giving secret advice to the crown; and, secondly, the use that had been made of his majesty's name, for the purpose of influencing the votes of members of parliament in a matter depending before them. The first, he contended, was a direct and dangerous attack upon the constitution. The law declared that 'the King could do no wrong:' and therefore had wisely made his ministers amenable for all the measures of his government. This was of the very essence of the constitution, which could no longer subsist, if persons unknown, and upon whom, consequently, no responsibility could attach, were allowed to give secret advice to the crown. With regard to the second, Mr. Baker proved, from the journals, that to make any reference to the opinion of the king, on a bill depending in either house, had always been judged a high breach of the privileges of parliament; he therefore concluded with moving, "That it is now necessary to declare, that to report any opinion, or pretended opinion, of his majesty, upon any bill or other proceeding, depending in either house of parliament, with a view to influence the votes of the members, is a high crime and misdemeanor, derogatory to the honour of the crown, a breach of the fundamental privileges of parliament, and subversive to the constitution of this country." The motion was seconded by Lord Maitland, and strongly opposed by Mr. William Pitt, who urged the impropriety of proceeding on mere unauthenticated rumours; alledging, at the same time, that if such rumours were judged a proper foundation for the house to proceed upon, there were rumours circulated with equal industry, in which the same use was made of his majesty's name in favour of the bill, that had been so much condemned when supposed to have been used in op-

position to it. With respect to the effects which had been adduced as a proof of the truth of the report, if they referred to a late division in the other house, he thought the premises did not warrant the conclusion, as it was no very unusual thing for the lords to reject a bill that had been passed by the commons, without the smallest suspicion of undue influence. With respect to the criminality of the facts which were the subject of these reports, he denied that it was criminal in any of the peers, who were the acknowledged hereditary counsellors of the crown, to give his advice to the king in any case whatever; and as to the breach of the privileges of parliament, he contended, that the precedents which had been read from the journals, though selected from the glorious times of King Charles I. were in nowise applicable to the present case. Mr. Pitt concluded his speech with reproaching the ministers for their base attachment to their offices, though, upon their own state of the case, they had lost their power, and no longer professed the confidence of their prince.

Mr. Secretary Fox spoke to the following effect:

I did not intend, Sir, to have said any thing in addition to what has been already urged so ably in favour of the resolution now agitated. In my own opinion, its propriety and necessity, are compleatly and substantially established. A few particulars, suggested in the course of the debate by gentlemen on the other side of the house, may be thought, however, to merit some animadversion. And, once for all, let no man complain of strong language. Things are now arrived at such a crisis as renders it impossible to speak without warmth. Delicacy and reserve are criminal where the interests of Englishmen are at hazard. The various points in dispute strike to the heart; and it were unmanly and pusillanimous to wrap up in smooth and deceitful colours, objects which, in their nature and consequences, are calculated to fill the House and the country with a mixture of indignation and horror.

This, at least, has made such an impression on my mind, that I never felt so much anxiety; I never addressed this House under such a pressure of impending mischief; I never trembled so much for public liberty as I now do. The question before the House involves the rights of parliament in all their consequences and extent. These rights are the basis of our constitution, and form the spirit of whatever discriminates the government of a free country. And have not these been threatened and assaulted? Can they exist a moment in opposition to such an interference as is supposed by the resolution, as has been stated by several honourable gentlemen, to have taken place? No: human nature is not sufficiently perfect to resist the weight of such a temptation. When, therefore, shall the House assert its dignity, its indepepdence, its prerogatives, by a resolute and unequivocal declaration of

all its legal and constitutional powers, but in the instant of their danger? The disease, Sir, is come to a crisis; and now is the juncture which destines the patient to live or die. We are called to sanctify or oppose an absolute extinction of all for which our ancestors struggled and expired. We are called to protect and defend, not only the stipulated franchises of Englishmen, but the sacred privileges of humanity. We are called to protract the ruin of the constitution. The deliberations of this night must decide whether we are to be freemen or slaves; whether the House of Commons be the palladium of liberty, or the organ of despotism; whether we are henceforth to possess a voice of our own, or to be only the mere mechanical echo of secret influence. Is there an individual, who feels for his own honour, callous to an apprehension of such a consequence as this? Does not every regard which he owes to a body who cannot be degraded without his disgrace, who cannot expire without involving his fate, rouse his indignation, and excite him to every exertion, both in his individual and delegated capacity, which can reprobate, suspend, or destroy a practice so inimical to public prosperity, as well as hostile to the very existence of this House?

But what is this resolution? It has been called, with great technical acuteness, a truism, which seems as incapable of discussion as it is of proof. The foundation of it, however, is a matter of such general and palpable notoriety, as to put every degree of scepticism to defiance. Rumours of a most extraordinary nature have been desseminated in no common way, and by no inferior agents. A noble earl is said to have used the name of majesty with the obvious and express intention of affecting the decisions of the legislature concerning a bill, of infinite consequence to thirty millions of people, pending in parliament. The nature of this debate will not allow me to avoid the mention of names. The reality of reports circulating, and operating to a certain degree, is equally admitted on all sides of the house. The arguments urged to defeat the use which is made of this fact by the resolution under discussion, are far from contradicting its veracity. Not its validity is supposed; the consequences only, which we impute to that circumstance, are disputed. No man has yet ventured, or dares to venture, to stand forth, and say, in so many words, that it does not exist. This would certainly finish the contest much to the honour of the nobleman concerned, but still more to the satisfaction of this House and the tranquillity of the public. His honourable relation, who dares the House to a specific charge, leaves that whole load of suspicion and crimination on the character he would defend, unbroken, undiminished, and unequivocal. This may

not be so much owing to a consciousness of delinquency, as a sentiment of pride: pride is the passion of little, dark, intriguing minds; and nothing but the truth of the charge can, in the present case, be more incompatible with every principle of rectitude and virtue. This rumour has been treated with a levity which amounts to a sarcasm or lampoon on the dignity of the House. But I will tell gentlemen it is not a newspaper surmise, but something much stronger and more serious; there is a written record to be produced. This letter (pulling it out of his pocket) is not to be put in the balance with the lye of the day. It states, that "his majesty allowed Earl Temple to say, that whoever voted for the India bill, were not only not his friends, but he should consider them as his enemies. And if these words were not strong enough, Earl Temple might use whatever words he might deem stronger, or more to the purpose." Is this parliamentary, or is it truth? Where is the man who dares to affirm the one or deny the other? or to say, that he believes in his conscience such a rumour was not calculated to produce an immediate effect? It certainly tended, in the first instance, to vilify, in the grossest and most violent manner, the proceedings of parliament. It says to the public, that we are not equal to our trust; that we either ignorantly or wilfully betray the interest of our constituents; and that we are not to be guided in our decisions by their convictions or our own, but by that unseen and mysterious authority, to whom the sovereign, his counsellors and the legislature, are only the blind and passive instruments. Both Houses of parliament are consequently parties in the contest, and reduced, by this unfortunate and wicked advice, to the predicament of a man struggling for his life. We are robbed of our rights, with a menace of immediate destruction before our face. From this moment, farewel to every independent measure! Whenever the liberties of the people, the rights of private property, or the still more sacred and invaluable privileges of personal safety, invaded, violated, or in danger, are vindicated by this House, where alone they can be legally and effectually redressed, the hopes of the public, anxious, eager and panting for the issue, are whispered away, and for ever suppressed by the breath of secret influence. A parliament thus fettered and controlled, without spirit and without freedom, instead of limiting, extends, substantiates, and establishes beyond all precedent, latitude, or condition, the prerogatives of the crown. But, though the British House of Commons were so shamefully lost to its own weight in the constitution, were so unmindful of its former struggles and triumphs in the great cause of liberty and mankind, were so indifferent and treacherous to those primary objects and concerns for

which it was originally instituted, I trust the characteristic spirit of this country is still equal to the trial; I trust Englishmen will be as jealous of secret influence as superior to open violence; I trust they are not more ready to defend their interests against foreign depredation and insult, than to encounter and defeat this midnight conspiracy against the constitution.

The proposition of this evening is, therefore, founded on a fact the most extraordinary and alarming this country could possibly hear; a fact, which strikes at the great bulwark of our liberties, and goes to an absolute annihilation, not of our chartered rights only, but those radical and fundamental ones which are paramount to all charters, which were consigned to our care by the sovereign disposition of nature; which we cannot relinquish without violating the most sacred of all obligations; to which we are entitled, not as members of society, but as individuals, and as men; the rights of adhering steadily and uniformily to the great and supreme laws of conscience and duty; of preferring, at all hazards, and without equivocation, those general and substantial interests which we have sworn to prefer; of acquitting ourselves honourably to our constituents, to our friends, to our own minds, and to that public whose trustees we are and for whom we act.

How often shall the friends of the noble earl, whom I have named, be called upon to negative the proposition, by vouching for him his innocence of the charge? Will any of them lay their hand on their heart, and disavow the fact in that nobleman's name? Let them fairly, honourably and decidedly put an end to that foul imputation which rests on his conduct, and the house must immediately dismiss the report as idle and ill founded. But, while no man comes honestly forward and takes truth by the hand, we must look to the consequence. This House must not lose sight of its rights and those of the community. The latter can subsist no longer than the former are safe. We now deliberate on the life and blood of the constitution. Give up this point, and we seal our own quietus, and are accessary to our own insignificance or destruction.

But how is the question, thus unsuccessfully put to the friends and abettors of secret influence in this, answered, when put to the noble principal in the other House? Is he ready and eager to vindicate his own character, and rescue that of his sovereign from so foul a reproach? No: but he replies in that mean, insiduous, equivocal, and temporising language, which tends to preserve the effect without boldly and manfully abiding by the consequences of the guilt. Such was the answer, as mysterious and ill designed as the delinquency it was intended to conceal; and the man only, who could stoop to the baseness of the one, was the most likely in the world to

screen himself behind the duplicity of the other. What, then, shall we infer from a system of acting and speaking thus guarded and fallacious, but that the device was formed to operate on certain minds, as it is rumoured to have done; and that such a shallow and barefaced pretext could influence those only, who, without honour or consistency, are endowed with congenial understandings!

Had this alarming and unconstitutional interference happened in matters of no consequence, or but of inferior consequence, the evil would not have appeared of such magnitude as it does. But let us consider the nature of the business which it is intended to impede or suppress. For nearly twenty years have the affairs of the East India company, more or less, occasionally engrossed the attention of parliament. Committees of this House, composed of the most able, industrious, and upright characters, have sat long, indefatigably, and assiduously, in calling forth, arranging, digesting, and applying every species of evidence which could be found. Reports of their honest and elaborate conduct are before the House. The public feel the pressure of this monstrous and multifarious object. Gentlemen in opposition were at least not insensible to its necessity, its urgency, and its importance. An honourable gentleman, (Mr. W. Pitt,) who has distinguished himself so much on this occasion, protested very solemnly against all palliatives, expedients, or the abortive substitutes of radical and complete measures. To meet that honourable gentleman's idea, as well as to suit the exigence of the case, the present bill was brought in. It has been called a rash, inconsiderate, and violent measure. The House is aware what discussion it has occasioned; and I dare any one to mention a single argument brought against it which has not been candidly and fairly tried, not by the weight of a majority, but by the force of plain and explicit reasoning. No bill was ever more violently and systematically opposed, investigated at greater length, or by more ability; passed the House under the sanction of a more respectable and independent majority, or had more the countenance and patronage of the country at large. How, then, did it succeed in the other House? What was the reception which, thus circumstanced, it received from their lordships? Some degree of decency might have been expected from one branch of the legislature to another. That respectable independence which ought to be the leading feature in their decisions, is not incompatible with, but essential to such a mutual deference for the procedure of each, as must be the consequence of acting constitutionally. The bill, however, though matured and debated by all the abilities of this House, though urged by the most powerful of all arguments, necessity, and though

recommended by almost two to one on every division it occasioned, will in all probability be lost.

But, Sir, I beseech the House to attend to the manner in which it is likely to meet such a fate. Is this to be effected by the voice of an independent majority? Can any man view the lords of the bedchamber in that respectable light? and the whole fortune of the measure now depends on their determination. The rumour, so often stated, and alluded to, was calculated, and intended to answer, an immediate and important end. I am far from saying that it ought. Those in high office and elevated rank, should prove themselves possessed of high and elevated sentiments; should join, to an exquisite sense of personal honour, the most perfect probity of heart; should discover as much dignity and strength of understanding as may be naturally expected from a superior education, the distinctions of fortune, and the example of the great and the wise. But how does this description agree with their mode of managing their proxies? These, they cordially give in before a rumour of the King's displeasure reaches their ears; the moment this intimation is made, on the same day, and within a few hours, matters appear to them in quite a different light, and the opinion which they embrace in the morning, is renounced at noon. I am as ready as any man to allow, what is barely probable, that these lords might receive new convictions, which, like a miracle, operated effectually and at once; and that, notwithstanding their proxies, from such a sudden and extraordinary circumstance, without hearing any debate or evidence on the subject, they might feel an immediate and unaccountable impulse to make their personal appearance, and vote according to their consciences. Who would chuse to say that all this may not actually have been the case? There is certainly, however, a very uncommon coincidence in their lordships' peculiar situation and this unexpected revolution of sentiment; and, were I disposed to treat the matter seriously, the whole compass of language affords no terms sufficiently strong and pointed to mark the contempt which I feel for their conduct. It is an impudent avowal of political profligacy; as if that species of treachery were less infamous than any other. It is not only a degradation of a station which ought to be occupied only by the highest and most exemplary honour, but forfeits their claim to the characters of gentlemen, and reduces them to a level with the meanest and the basest of the species: it insults the noble, the ancient, and the characteristic independence of the English peerage, and is calculated to traduce and vilify the British legislature in the eyes of all Europe and to the latest posterity. By what magic

nobility can thus charm vice into virtue I know not nor wish to know; but in any other thing than politics, and among any other men than lords of the bedchamber, such an instance of the grossest perfidy would, as it well deserves, be branded with infamy and execration.

Is there any thing, then, Sir, more plain and obvious, than, that this great, this important, this urgent measure, is become the handle of a desperate faction, whose principal object is power and place? It is the victim not of open and fair reasoning, but of that influence which shuns the light and shrinks from discussion: for those who pledged their honour in its support, from an acknowledged conviction of its rectitude, its propriety and utility, have broken that faith, and relinquished their own judgments, in consequence of a rumour that such a conduct would be personally resented by the sovereign. What bill, in the history of parliament, was ever so traduced, so foully misrepresented and betrayed in its passage through the different branches of the legislature? The stroke which must decide the contest, cannot come from its real enemies but its false friends; and its fate, without example in the annals of this House, will be handed down to the remotest posterity, not as a trophy of victory but a badge of treachery.

Here, Sir, the honourable gentleman, with his usual liberality, upbraids me with monopolizing, not only all the influence of the crown, the patronage of India, and the principles of whiggism, but the whole of the royal confidence: but all such round, unqualified and unfounded imputations must be contemptible, because they are not true; and the bitterest enemy, not lost to every sense of manliness, would scorn to become an accuser on grounds so palpably false. It is, indeed, as it has always been, my only ambition to act such a part in my public conduct, as shall eventually give the lie to every species of suspicion which those who oppose me seem so anxious to create and circulate: and, if to compass that by every possible exertion from which no man in the sound exercise of his understanding can honestly dissent, be a crime, I plead guilty to the charge. This I am not ashamed to avow the predominating passion of my life; and I will cherish it, in spite of calumny, declamation, and intrigue, at the risk of all I value most in the world.

But, Sir, in this monopoly of influence, the lords of the bedchamber ought at least, for the sake of decency, to have been excepted. These, we all know, are constantly at the beck of whoever is minister of the day. How often have they not been stigmatized with the name of the household troops, who, like the Prætorian bands of ancient Rome, are

always prepared for the ready execution of every secret mandate! I remember a saying of an able statesman, whom, though I differed with in many things, I have ever acknowledged to be possessed of many eminent and useful qualities. The sentence I allude to I have always admired for its boldness and propriety. It was uttered by the late George Grenville in experiencing a similar treachery, — and would to God the same independent and manly sentiments had been inherited by all who bear the name! — "I will never again," said he, "be at the head of a string of janissaries, who are always ready to strangle or dispatch me on the least signal."

Where, Sir, is that undue, that unconstitutional influence, with which the honourable gentleman upbraids me and those with whom I act? Are our measures supported by any other means than ministers have usually employed? In what, then, am I the champion of influence? Of the influence of sound and substantial policy, of open, minute, and laborious discussion, of the most respectable whig interest in the kingdom, of an honourable majority in this House, of public confidence and public responsibility, I am proud to avail myself, and happy to think no man can bar my claim. But every sort of influence unknown to the constitution, as base in itself as it is treacherous in its consequences, which is always successful because incapable of opposition, nor ever successful but when exerted in the dark, which, like every other monster of factious breed, never stalks abroad but in the absence of public principle, never assumes any other shape than a whisper, and never frequents any more public place of resort than the back stairs or closet at St. James's, — all this secret, intriguing, and underhand influence, I am willing and ready to forego. I will not even be the minister of a great and free people on any condition derogatory to my honour and independence as a private gentleman. Let those who have no other object than place, have it and hold it by the only tenure worthy of their acceptance, — secret influence; — but without the confidence of this House as well as that of the sovereign, however necessary to my circumstances and desirable to my friends, the dignity and emoluments of office shall never be mine.

Is it, then, to the India bill I am indebted for this new appellation? Is there a single argument on this topic which has not been thoroughly and repeatedly discussed? But the honourable gentleman has two strings to his bow: if he can not blow me with the people, by demonstrating how this measure increases the influence of the crown, he will try what he can do with the crown, by exhibiting it as generating an

independence or aristocracy for the minister. His own popularity may go a great way in accomplishing the one, and secret influence will always be adequate to the other; and by an incessant clamour against the whole of the business, fomented and propagated at the instance of a mean and interested faction, it is not unlikely he may succeed in both. But I must beg gentlemen to consider, that this measure, which owes all its imperfections and obnoxious qualities — not to the original text — but to the notes and commentaries of its numerous editors and interpreters, is intended merely as an experiment, subject to the cognizance and controul of the legislature. Is there any thing here independent of the three estates in parliament assembled? You say it is an executive power, for which the constitution affords no prescription. But are you aware to what extent this argument goes? It deprives you, at one stroke, of all the manifold advantages which result from every possible modification of colonization. What system of government can be applied to any foreign settlement or territory whatever, which is not proscribed by the same reasoning? And, if this literal adherence to the form, in contradiction to the spirit of the constitution, is to be adopted, without regard to the many vast commercial interests which produce the most fertile resources, and form no inconsiderable share of our national strength and distinction, we shall soon be circumscribed within our original boundaries, and be accounted as little among the nations as ever we were great.

Conclusions, however, on such speculative theories as these are as idle as unsatisfactory. We never can forget that something must be done. I deny that any thing has yet been offered or tried, more congenial to the constitution, more adequate to the object, or more advantageous to the community at large than the bill in question. I am perfectly aware of whatever has been or can be alledged on the subject; but, abstracted from the scramble of interest and the pitiful bugbears of design, not one solid objection on the point of influence has yet been advanced. The novelty of the system is quite as good a foundation for predicting the best as the worst consequences. It is rare that men are thus prone to misconstrue the plainest propositions without some latent purpose; and we have the same right to comment on the motives on which the measure is opposed, as you have for reprobating those in which it originated.

Even supposing the rumours on which the resolution was proposed were true, it is alledged that a noble duke in the other House counteracted the effect of one influence by another. It had been whispered that his majesty had autho-

rised his name to be used with a certain view: his grace, as the only expedient left for preserving the minds of their lordships unbiassed, and the personal honour of his sovereign unspotted, gave a negative to the fact. A tale was propagated which tended equally to traduce the crown and embarrass government. How was he to defeat the obvious design of such a notorious libel on the best of princes? Was it his duty to let it pass unnoticed, and shed undisturbed all its influence on the minds of those for whose instruction and emolument it was originally devised? Or had he any other mode of averting its intention and success than by denying its reality? It would be hard, indeed, to debar ministers of a right to destroy falsehoods fabricated on purpose to destroy them. Such a prohibition amounts to their relinquishing a very material species of self defence, which is one of the most valuable privileges of human nature; and, whatever the honourable gentleman may be willing to sacrifice to office, this is one condition at least, to which I will never be a party.

The task, therefore, he has assigned me of being the champion of influence, belongs more properly to himself; who has this night stood forward in defence of a practice, which cannot be indulged for a moment but at the imminent risk of every thing great and valuable which our constitution secures. With what consistency he embarks in a cause so hostile and ominous to the rights and wishes of Englishmen, those who have known his connections and observed his professions will judge. Let him not, then, in the paroxysm of party zeal, put a construction on my conduct which it will not bear, or endeavour to stamp it with the impression of his own. For that influence which the constitution has wisely assigned to the different branches of the legislature, I ever have contended, and, I trust, ever shall. That of the crown, kept within its legal boundaries, is essential to the practice of government; but woe to this country the moment its operations are not as public and notorious as they are sensible and effective! A great writer has said, that the English constitution will perish, when the legislative becomes more corrupt than the executive power. Had he been as sound a judge of the practice as of the theory of government, he might have added, with still greater truth, that we shall certainly lose our liberty, when the deliberations of parliament are decided — not by the legal and usual — but by the illegal and extraordinary exertions of prerogative.

The honourable gentleman declares, that if the king is thus prevented from consulting his peers, who are constitutionally stiled the ancient and hereditary counsellors of the crown, or

any other of his subjects, whenever he is pleased to call for it, he would be a captive on his throne and the first slave in his own dominions. Does he, then, affect to think or allege that it is the desire of ministers to proscribe all social intercourse between his majesty and his subjects? I will tell the honourable gentleman thus far his argument goes, and that is something worse than puerility and declamation; it is disguising truth under such colours as are calculated to render it odious and detestable. The lords are undoubtedly entitled to advise the throne collectively; but this does not surely entitle every noble individual to take his majesty aside, and, by a shocking farrago of fiction and fear, poison the royal mind with all their own monstrous chimeras. Whoever knows the mode of digesting business in the cabinet, must be sensible, that the least interference with any thing pending in parliament must be dangerous to the constitution. The question is not, whether his majesty shall avail himself of such advice as no one readily avows, but who is answerable for such advice? Is the honourable gentleman aware, that the responsibility of ministers is the only pledge and security the people of England possess against the infinite abuses so natural to the exercise of this power? Once remove this great bulwark of the constitution, and we are, in every respect, the slaves and property of despotism. And is not this the necessary consequence of secret influence?

How, Sir, are ministers situated on this ground? Do they not come into power with a halter about their necks, by which the most contemptible wretch in the kingdom may dispatch them at pleasure? Yes, they hold their several offices—not at the option of the sovereign—but of the very reptiles who burrow under the throne. They act the part of puppets, and are answerable for all the folly, the ignorance, and the temerity or timidity of some unknown juggler behind the screen: they are not once allowed to consult their own, but to pay an implicit homage to the understandings of those, whom to know were to despise. The only rule by which they are destined to extend authority over freemen, is a secret mandate which carries along with it no other alternative than obedience—or ruin! What man, who has the feelings, the honour, the spirit, or the heart of a man, would stoop to such a condition for any official dignity or emolument whatever? Boys, without judgment, experience of the sentiments suggested by the knowledge of the world, or the amiable decencies of a sound mind, may follow the headlong course of ambition thus precipitantly, and vault into the seat while the reins of government are placed in other hands: but the minister who can bear to act such a dis-

honourable part, and the country that suffers it, will be mutual plagues and curses to each other.

Thus awkwardly circumstanced, the best minister on earth could accomplish nothing, nor on any occasion, however pressing and momentous, exert the faculties of government with spirit or effect. It is not in the human mind to put forth the least vigour under the impression of uncertainty. While all my best meant and best concerted plans are still under the control of a villainous whisper, and the most valuable consequences, which I flattered myself must have resulted from my honest and indefatigable industry, are thus defeated by secret influence, it is impossible to continue in office any longer either with honour to myself or success to the public. The moment I bring forward a measure adequate to the exigency of the state, and stake my reputation, or indeed whatever is most dear and interesting in life, on its merit and utility, instead of enjoying the triumphs of having acted fairly and unequivocally, all my labours, all my vigilance, all my expectations, so natural to every generous and manly exertion, are not only vilely frittered, but insidiously and at once whispered away by rumours, which, whether founded or not, are capable of doing irreparable mischief, and have their full effect before it is possible to contradict or disprove them.

So much has been said about the captivity of the throne, while his majesty acts only in concert with his ministers, that one would imagine the spirit and soul of the British constitution were yet unknown in this House. It is wisely established as a fundamental maxim, that the king can do no wrong; that whatever blunders or even crimes may be chargeable on the executive power, the crown is still faultless. But how? Not by suffering tyranny and oppression in a free government to pass with impunity; certainly not: but the minister who advises or executes an unconstitutional measure, does it at his peril; and he ought to know, that Englishmen are not only jealous of their rights, but legally possessed of powers, competent on every such emergency to redress their wrongs. What is the distinction between an absolute and a limited monarchy? but that the sovereign, in the one, is a despot; and may do what he pleases, but in the other, is himself subjected to the laws, and consequently not at liberty to advise with any one on public affairs not responsible for that advice; and the constitution has clearly directed his negative to operate under the same wise restrictions. These prerogatives are by no means vested in the crown to be exerted in a wanton and arbitrary manner. The good of the whole is the exclusive object to which all the branches of the legislature and their different powers invariably point. Whoever interferes with this pri-

mary and supreme direction, must, in the highest degree, be unconstitutional. Should, therefore, his majesty be disposed to check the progress of the legislature in accomplishing any measure of importance, either by giving countenance to an invidious whisper, or the exertion of his negative, without at the same time consulting the safety of his ministers, here would be an instance of mal-administration, for which, on that supposition, the constitution has provided no remedy. And God forbid that ever the constitution of this country should be found defective in a point so material and indispensable to public welfare!

Sir, it is a public and crying grievance that we are not the first who have felt this secret influence. It seems to be a habit against which no change of men or measures can operate with success. It has overturned a more able and popular minister (Lord Chatham) than the present, and bribed him with a peerage, for which his best friends never cordially forgave him. The scenes, the times, the politics, and the system of the court, may shift with the party that predominates, but this dark mysterious engine is not only formed to control every ministry, but to enslave the constitution. To this infernal spirit of intrigue we owe that incessant fluctuation in his majesty's councils, by which the spirit of government is so much relaxed, and all its minutest objects so fatally deranged. During the strange and ridiculous interregnum of last year, I had not a doubt in my own mind with whom it originated; and I looked to an honourable gentleman (Mr. Jenkinson) opposite to me, the moment the grounds of objection to the East India bill were stated. The same illiberal and plodding cabal who then invested the throne, and darkened the royal mind with ignorance and misconception, have once more been employed to act the same part. But how will the genius of Englishmen brook the insult? Is this enlightened and free country, which has so often and successfully struggled against every species of undue influence, to revert to those Gothic ages, when princes were tyrants, ministers minions, and government intriguing? Much and gloriously did this House fight and overcome the influence of the crown by purging itself of ministerial dependants: but what was the contractors' bill, the board of trade, or a vote of the revenue officers, compared to a power equal to one-third of the legislature, unanswerable for, and unlimited in its acting? Against these we had always to contend; but we knew their strength, we saw their disposition, they fought under no covert, they were a powerful, not a sudden enemy. To compromise the matter, therefore, Sir, it would become this House to say, rather than yield to a stretch of prerogative thus unprecedented and alarming, withdraw your secret influence,

and, whatever entrenchments have been made on the crown, we are ready to repair: take back those numerous and tried dependants who so often secured you a majority in parliament; we submit to all the mischief which even this accession of strength is likely to produce; but for God's sake strangle us not in the very moment we look for success and triumph by an infamous string of bedchamber janissaries!

The honourable gentleman has told us, with his usual consequence and triumph, that our duty, circumstanced as we are, can be attended with no difficulty whatever: the moment the sovereign withdraws his confidence, it becomes us to retire. I will answer him in my turn, that the whole system in this dishonourable business may easily be traced. Aware of that glorious and independant majority which added so much dignity and support to the measure which appears thus formidable to secret influence, they find all their efforts to oppose it here abortive: the private cabal is consequently convened, and an invasion of the throne, as most susceptible of their operations, proposed. It was natural to expect that I, for one, would not be backward to spurn at such an interference. This circumstance affords all the advantage they wished. I could not be easy in my situation under the discovery of such an insult; and this critical moment is eagerly embraced to goad me from office, to upbraid me with the meanness of not taking the hint, to remind me in public of the fate which I owe to secret advice. When that hour comes, and it may not be very distant, that shall dismiss me from the service of the public, the honourable gentleman's example of lingering in office after the voice of the nation was that he should quit it, shall not be mine. I did not come in by the fiat of majesty, though by this fiat I am not unwilling to go out. I ever stood, and wish only and always to stand on public ground. I have too much pride ever to owe any thing to secret influence. I trust in God this country has too much spirit not to spurn and punish the minister that does! I arrogate no pomp, however, from the formality of resignation. My noble friend, I hope, thinks with me, that the present is one of those singular junctures when it is necessary to act with caution as well as spirit. We are certainly agreed not to retain our places any longer than we can maintain the dignity of government with responsibility and effect; and to the constitutional mandate of dismission we are prepared to bow with humility and obedience. We have been repeatedly reminded of our disagreeable situation; but the chief fact to which we owe this inconveniency was only not foreseen, from an idle opinion that no man could be base and servile enough to undertake it. But now, our eyes are open to transactions, of which ocular demonstration only could have con-

vinced us. We only beg when the revolution, which it is supposed may be effected in the royal breast, is authentically announced, we may be allowed to judge for ourselves. I will apprise gentlemen, however, that the situation of ministers is at present extremely delicate. They stand pledged to the public and a very honourable majority of this House, not to relinquish the affairs of the state while in so much anarchy and distraction. And what ministry could wish for a stronger, or more desirable foundation than such a majority as have constantly voted with us? For my own part, I ever thought public confidence the only substantial basis of a sound administration. The people of England have made me what I am; it was at their instance I have been called to a station in their service; and, perhaps, it would not be treating them well, hastily to abandon the post to which they have generously raised me. The whole of that respectable arrangement in which I am but an individual, are, in my opinion, bound in honour to do something at least for thirty millions of innocent people, whose expectations have been raised and flattered by our exertions; who have long struggled under every oppression, and grappled with their fate in vain; whose wretched and deplorable circumstances affect the British character in every corner of the world with infamy and horror; and who, at this moment, in spite of every exertion both of the legislature and court of directors, groan under the scourge, the extortion, and the massacre, of a cruel and desperate man, whom, in my conscience and from my heart, I detest and execrate.

It is impossible to overlook, or not to be surprised at the extreme eagerness of the honourable gentleman about our places, when twenty-four hours, at most, would give him full satisfaction. Is it that some new information may be requisite to finish a system thus honourably begun! Or is the honourable gentleman's youth the only account which can be given of that strange precipitancy and anxiety which he betrays on this occasion? It is, in my opinion, the best apology which can be urged in his behalf. Generosity and unsuspecting confidence are the usual disposition of this tender period. The friends of the honourable gentleman, I doubt not, will soon teach him experience and caution; and, when once he has known them as long, received as many of their promises, and seen their principles as much tried as I have done, he may not, perhaps, be quite so prodigal of his credulity as he now is. Is he apprised of the lengths these men would go to serve their own selfish and private views? that their public spirit is all profession and hypocrisy? and that the only tie which unites and keeps them together is, that they are known only to each other, and that the moment of their discord, puts a period to their strength and consequence?

If, however, a change must take place, and a new ministry is to be formed and supported, not by the confidence of this House or the public, but the sole authority of the crown, I, for one, shall not envy that honourable gentleman his situation. From that moment I put in my claim for a monopoly of whig-principles. The glorious cause of freedom, of independence, and of the constitution, is no longer his, but mine. In this I have lived; in this I will die. It has borne me up under every aspersion to which my character has been subjected. The resentments of the mean and the aversion of the great, the rancour of the vindictive and the subtilty of the base, the dereliction of friends and the efforts of enemies, have not, all, diverted me from that line of conduct which has always struck me as the best. In the ardour of debate, I may have been, like all other men, betrayed into expressions capable of misrepresentation; but the open and broad path of the constitution has uniformly been mine. I never was the tool of any junto. I accepted of office at the obvious inclination of this House: I shall not hold it a moment after the least hint from them to resume a private station.

The honourable gentleman is, however, grasping at place on very different grounds. He is not called to it by a majority of this House; but, in defiance of that majority stands forth the advocate and candidate for secret influence. How will he reconcile a conduct thus preposterous to the constitution, with those principles for which he has pledged himself to the people of England? By what motives can he be thus blind to a system, which so flatly and explicitly gives the lie to all his former professions? Will secret influence conciliate that confidence to which his talents, connections, and principles, entitled him; but which the aspect under which he must now appear to an indignant and insulted public effectually bars his claim? Will secret influence unite this House in the adoption of measures which are not his own, and to which he only gives the sanction of his name to save them from contempt? Will secret influence draw along with it that affection and cordiality from all ranks, without which the movements of government must be absolutely at a stand? Or, is he weak and violent enough to imagine, that his majesty's mere nomination will singly weigh against the constitutional influence of all these considerations? For my own part, it has been always my opinion, that this country can labour under no greater misfortune than a ministry without strength and stability. The tone of government will never recover so as to establish either domestic harmony or foreign respect, without a permanent administration; and whoever knows any thing of the constitution, and the present state of parties among us,

must be sensible, that this great blessing is only and substantially to be obtained and realized in connection with public confidence. It is undoubtedly the prerogative of the sovereign to chuse his own servants; but the constitution provides that these servants should not be obnoxious to his subjects by rendering all their exertions, thus circumstanced, abortive and impracticable. The honourable gentleman had, therefore, better consider how much he risks by joining an arrangement thus hostile to the interests of the people: that they will never consent to be governed by secret influence, and that all the weight of his private character, all his eloquence and popularity, will never render the midnight and despotic mandates of an interior cabinet acceptable to Englishmen.

When I say in what manner, and to what ends, the wisdom and experience of our ancestors have thus directed the exercise of all the royal prerogatives, let me not be understood as meaning, in any degree, to detract from those dutiful regards, which all of us owe as good citizens and loyal subjects to the prince who at present fills the British throne. No man venerates him more than I do, for his personal and domestic virtues. I love him as I love the constitution, for the glorious and successful efforts of his illustrious ancestors in giving it form and permanency. The patriotism of these great and good men must endear, to every lover of his country, their latest posterity. The king of England can never lose the esteem of his people, while they remember with gratitude, the many obligations which they owe to his illustrious family. Nor can I wish him a greater blessing, than that he may reign in the hearts of his subjects, and that their confidence in his government may be as hearty and sincere as their affection for his person.

The House divided on the question that the order of the day be now read,

	Tellers.			*Tellers.*	
YEAS	Mr. Neville Mr. Dundas	80.	NOES	Mr. Baker Lord Maitland	153.

Mr. Baker's motion was consequently carried by a majority of 73. It was then resolved, "That on Monday next the House would resolve itself into a committee of the whole House, to consider of the state of the nation." As a change of ministers appeared to be a measure determined on by the king, and the dissolution of parliament an immediate and necessary consequence, the majority of the House thought no time was to be lost in endeavouring to render the attempt as difficult as possible. With this view, immediately after the above resolutions were agreed to, Mr. Erskine moved, "That it is necessary to the most essential interests of this king-

dom, and peculiarly incumbent on this House, to pursue with unremitting attention the consideration of a suitable remedy for the abuses which have prevailed in the government of the British dominions in the East Indies; and that this House will consider as an enemy to this country, any person who shall presume to advise his majesty to prevent, or in any manner interrupt, the discharge of this important duty." The motion was opposed, as interfering with the executive part of government, and trenching on the undoubted prerogative of the crown, without any justifiable cause. The motion was however carried by a majority of 147 to 73. On the 17th of December the India bill was rejected by the Lords, on a division of 95 to 76.

Copies of Mr. Fox's East India Bills.

A Bill for vesting the Affairs of the East India Company in the Hands of certain Commissioners, for the Benefit of the Proprietors and the Public.

WHEREAS disorders of an alarming nature and magnitude have long prevailed, and do still continue and increase, in the management of the territorial possessions, the revenues, and the commerce of this kingdom in the East Indies; by means whereof the prosperity of the natives hath been greatly diminished, and the valuable interests of this nation in the said territorial possessions, revenues, and commerce, have been materially impaired, and would probably fall into utter ruin if an immediate and fitting remedy were not provided:

Be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That the government and management of the territorial possessions, revenues, and commerce of the united company of merchants of England trading to the East Indies, by the directors and proprietors of the said company, or either of them; and all and singular the powers and authorities of the said directors and proprietors, or of any special, or general, or other court thereof, in the ordering and managing the said possessions, revenues, and commerce; and all elections of directors of the said united company, be, and are hereby declared to be, discontinued, for and during the continuance of this act; any charter, usage, law, or statute to the contrary notwithstanding.

And be it further enacted by the authority aforesaid, That for the better governing, ordering, and managing the said territorial possessions, revenues, and commerce, the Right Honourable

William Earl Fitzwilliam, the Right Honourable Frederick Montagu, the Right Honourable George Legge, commonly called Lord Viscount Lewisham, the Honourable George Augustus North, Sir Gilbert Elliott, Baronet, Sir Henry Fletcher, Baronet, and Robert Gregory, Esquire, shall be, and they are hereby constituted and appointed directors of the said united company, and shall be, and they are hereby constituted members of the said company; and that the said directors hereby appointed, or any three of them, shall have, use, possess, and exercise all and singular the powers and authorities which have been at any time heretofore vested in, or lawfully exercised by, the said directors hereby discontinued, or proprietors, or by the general court of proprietors of the said united company, and all such farther and other powers and authorities, and under such directions, and subject to such limitations and restrictions as in this act, or in any other act, the provisions whereof are not hereby altered or repealed, are contained, for the government and management of the said territorial possessions, revenues, and commerce of the said united company, or in any wise relative thereto.

And be it further enacted by the authority aforesaid, That the said directors hereby appointed shall, and they are hereby authorised and empowered, immediately from and after the commencement of this act, to enter into and upon, and to possess themselves of all lands, tenements, houses, warehouses, and other buildings whatever, of or belonging to the said united company; and also to take into their custody and possession all books, records, documents, charters, acts, instruments, letters, and other papers whatsoever, and also all ships and vessels, goods, wares, merchandises, money, securities for money, and all other effects whatsoever, of or belonging to the said united company, in trust for, and for the benefit of, the proprietors thereof, and to have, hold, and possess the same, in like manner as they were held and possessed by the directors hereby discontinued, subject to such charges, claims, and demands as do or may affect the same; which directors so discontinued, and all other officers and servants of the said united company, are hereby enjoined, immediately upon the requisition of the said directors hereby appointed, signified under their hands and seals, or the hands and seals of any three of them, to deliver to them, or to such person or persons as they shall for that purpose appoint, all such lands, tenements, houses, warehouses, buildings, books, records, documents, charters, acts, instruments, papers, ships, vessels, goods, wares, and merchandises, money, securities for money, and all other effects whatsoever.

And for the sole purpose of ordering and managing the commerce of the said united company, under and subject to the orders and directions of the said directors hereby appointed, be it further enacted by the authority aforesaid, That Thomas Cheap, Esquire, George Cuming, Esquire, Richard Hall, Esquire, John Harrison, Esquire, Joseph Sharp, Esquire, John Michie, Esquire, John Smith, Esquire, George Tatem, Esquire, and James Moffat, Esquire, being proprietors, each of them of two thousand pounds capital stock in the said united company, at least, shall be assistant directors, for the

purpose last aforesaid; and shall, from time to time, without requisition, and also as often as they shall be thereunto required, render an account of their proceedings to the said directors hereby appointed; and in all matters and things whatsoever, shall pursue and follow such orders and directions as they shall from time to time receive from such directors.

And be it further enacted by the authority aforesaid, That in case any vacancy or vacancies shall happen in the office of the said directors hereby appointed, by death, resignation, removal, or otherwise, such vacancy or vacancies shall be filled by his majesty, under his sign manual, within twenty days after notice of such vacancy or vacancies shall have been given to one of his majesty's principal secretaries of state.

And be it further enacted by the authority aforesaid, That in case any vacancy or vacancies shall happen in the office of the said assistant directors, by death, resignation, removal, or otherwise, such vacancy or vacancies shall be filled by the majority of the proprietors of the said united company, qualified in the manner required by an act of the thirteenth year of his present majesty, intitled "An act for establishing certain regulations for the better management of the affairs of the East India company, as well in India as in Europe;" which proprietors, at such election of any assistant director, shall not vote by ballot, or in any other covert or concealed manner, but in an open court, for that purpose only specially summoned; and every such proprietor, in giving his or her vote, shall subscribe his or her name in a book to be prepared for that purpose, under the name of the person for whom he or she shall vote.

And be it further enacted by the authority aforesaid, That if five of the said directors hereby appointed, who shall be present at any meeting, shall, upon enquiry, and after examination into the conduct and behaviour of the said assistant directors, find that any of them is guilty of neglect or misdemeanour in the execution of his said office, or of wilful disobedience of any order or orders of the said directors hereby appointed, they are hereby authorised and impowered to remove and displace such assistant directors; entering in their journals their reasons respectively for removing or displacing such assistant director, signed with their respective names.

And be it further enacted by the authority aforesaid, That the said William Earl Fitzwilliam shall be, during his continuance as a director by virtue of this act, chairman of the board of directors, and the said right honourable Frederic Montagu, deputy chairman thereof; and if the said chairman shall die, resign, or be removed from such office of director, at any time during the continuance of this act, then and in that case the said deputy chairman shall succeed to the office of chairman of the said board of directors; and if the said deputy chairman, being become chairman of the said board of directors, shall also die, resign, or be removed from the said office of a director, then and in that case, and also in every other case of a vacancy in the office of a chairman of the said board of directors, the said directors, hereby appointed, shall chuse and elect one of themselves to supply such vacancy;

and if a vacancy, either by succession otherwise, shall at any time happen in the said office of deputy chairman of the said board of directors, established by this act, the said directors hereby appointed shall, in like manner, chuse and elect one of themselves to supply such vacancy.

And be it further enacted by the authority aforesaid, That the said chairman of the said board of directors, or, in his absence, the said deputy chairman, shall have power to call or summons any extraordinary meeting of the said directors hereby appointed, at such time or times as he shall think expedient; and may, at any meeting whatever of such directors, if he shall think fit, propose the business to be first considered by such directors at such meeting; and in case of an equal division of voices on any question whatever before the said board of directors, shall have the casting voice: provided always, that nothing herein contained shall prevent the majority of such directors present at any meeting from adjourning their meetings to such time or times as they shall think proper.

And be it further enacted by the authority aforesaid, That it shall not be lawful for the said directors hereby appointed, or any of them, upon any question whatever, to vote by ballot, or in any other covert manner; and that in any difference of opinion, except as to the election to offices of persons not having before been in the service of the said united company, the said directors (as well the majority as those who shall dissent) shall each of them enter, on the journals of the said directors, his reasons for his vote, signed with his name, or his adherence to the reasons entered by any other director,

And be it further enacted by the authority aforesaid, That no person furnishing the said united company with shipping, or with any article of their investment outwards, either from Great Britain, or from such ports and places as the company's ships have occasion to touch at in their way to India, or with any naval or military stores, or concerned in buying and selling any commodity of the said united company's importation, shall be capable of being a director or assistant director for the execution of this act.

And be it also enacted by the authority aforesaid, That no person shall be capable of being a director, or assistant director, for the execution of this act, against whom the charge of any corrupt practice, peculation, or oppression in India, doth or shall appear in the records of the said united company within the space of two years before the time of his nomination, or shall be made upon oath before the said directors hereby appointed within the space of two years before the time of his nomination, until such directors, or three of them, shall have examined into the same, and shall have severally declared that they have examined into the said charge, and do in their conscience believe such person not guilty of the said charge; or that they do, upon the said examination, find the said charge not of sufficient importance to exclude the said person from the said office of director or assistant director, (as the case may be; and that they have entered upon their journals their reasons for such their opinion.

And be it further enacted by the authority aforesaid, That no person who hath been, now is, or shall hereafter be, in the service of the said united company in India, shall be capable of being a director, or assistant director, for the execution of this act, within the space of two years from the time of his last return from India.

And be it further enacted by the authority aforesaid, That the said directors hereby appointed shall, once in every six months, lay before the proprietors of the said united company, in a general court to be for that purpose assembled, an exact state of the debts and credits of the said united company; the first cost and charges of their investments, outward and inward: with the sums of money in India applicable to an investment, according to the last accounts received therefrom; an account of the shipping; an account of the produce of the sales; and the state of the warehouses at home and abroad.

And be it further enacted by the authority aforesaid, That the said directors hereby appointed shall, within twenty days after the commencement of every session of parliament, lay before the lords commissioners of his majesty's treasury (who are hereby authorised and required, without loss of time, to lay the same before both Houses of parliament,) an account of the produce of the territorial and other revenues of the said united company in India; and also estimates of the civil, military, and naval establishments there; together with a state of the bond and other debts due from the said united company in India, distinguishing what belongs to each of the principal presidencies and settlements of the said united company in India; and also the state of the trade, laid by the said directors before the said proprietors at their then last general court.

And be it further enacted by the authority aforesaid, That the said directors hereby appointed, or the major part of them, shall have full power and authority to remove, displace, suspend, appoint, confirm, or restore, all and every person or persons whatsoever, from or to any office, station, or capacity whatsoever, civil or military, in the service of the said united company, or within the limits of the said united company's charters, or any of them, or any way concerned in the management of their affairs within this kingdom, or in India, whether any such person or persons shall have been nominated or appointed in and by any act or acts of parliament, or howsoever otherwise nominated or appointed: except as herein provided and established, as to the appointment and removal of such directors themselves, and of the said assistant directors.

And for the more speedy and effectual punishment of offences committed in India, by persons employed in the service of the said company, be it enacted by the authority aforesaid, That whenever any charge of corruption, peculation, oppression, extortion, receipt of presents, usury, breach of orders, or other grievous offence, shall be exhibited or made before the governor general and council of Bengal, or the president and council of any of the presidencies or settlements abroad, of the said united company, and transmitted from thence to the court of directors, hereby dis-

continued, or to the said directors hereby appointed, against any of the said governors, presidents, or members of the council, of any of the said presidencies or settlements of the said united company, or others, in any office, station, or employment, civil or military, in the said united company's service; or which shall be exhibited or made by any of the native princes dependent upon, or under the protection of the said united company, against any such person or persons; the said directors hereby appointed, shall, within twenty days after the same shall be received, enter into an examination of such charge; and if, upon, or in consequence of such examination, such directors shall not think proper either to recal or order a prosecution against such person so charged, each and every such director, making such examination as aforesaid into such charge, shall enter in writing, and subscribe with his name, in the journals of such directors, his opinion on the validity and importance of such charge, with his specific reasons, on the particular case, for not recalling the person so charged, or for not ordering a prosecution upon such charge.

And be it further enacted by the authority aforesaid, That before any person or persons whatsoever, who have been, are, or shall hereafter be in the service of the said united company, in any office, station, or employment whatsoever, civil or military, in any of the presidencies or settlements of the said united company abroad; and who have been, or are, or shall be in Great Britain after such service abroad; and against whom any charge shall appear upon any of the company records, or shall have been made to the said court of directors hereby discontinued, or general court of proprietors, or shall be made or exhibited to the said directors hereby appointed; shall be permitted by the said directors hereby appointed to return to any part of India, either in the same or in any other office, station or employment, in the service of the said united company; and also, before the said directors hereby appointed shall confirm the appointment, or suffer the departure from Great Britain for India, of any person or persons who may have been, or shall be, appointed to any office, station, or employment whatsoever in the service of the said united company, and against whom any such charge shall appear, or shall have been made, or shall be made as aforesaid; and also before the said directors hereby appointed, shall themselves appoint any person, having before been in the service of the said united company, to any office, station, or employment whatsoever, in the said united company's service, and against whom any such charge shall appear, or shall have been made, or shall be made as aforesaid; the said directors hereby appointed shall, and they are hereby required to make a full and particular examination and enquiry into the conduct of every such person, relative to the said service, and the subject matter of such charge; and shall enter on their journals their reasons for permitting any such person to return, or confirming the appointment, and permitting the departure, of any such person, or for themselves appointing any such person (as the case may be) notwithstanding such charge.

And be it further enacted by the authority aforesaid, That in case of any disputes, differences, or controversies whatsoever,

which have arisen and are depending, or which shall or may hereafter arise, between the governor-general and council of Bengal; or between any of the presidents of any other of the settlements of the said united company, and their respective councils; or between any of the subordinate chiefs and their councils; or between the government of one settlement and the government of any other settlement; or between any of the governors or presiding powers of any of the subordinate settlements; the said directors hereby appointed shall, within twenty days after the receipt of any official account of any such dispute, difference, or controversy, enter upon an examination and enquiry into the same; and shall, within three months thereafter, either come to a definitive decision thereupon, or enter upon their journals their reasons, signed with their respective names, for not coming to such definitive decision.

And be it further enacted by the authority aforesaid, That if at any time the governor general and council of Bengal, or the president and council of any of the principal or subordinate settlements, shall require the direction or opinion of the said directors hereby appointed, on any matter whatsoever for the government of such governor-general and council, or president and council, or for the settlement or accommodation of any matter in dispute, or likely to come into dispute, between or among them, or any of them; the said directors shall return an answer, opinion, or direction, to such requisition, within three months after receiving the letter or letters containing the same, or enter upon their journals their reasons signed, with their respective names, for not sending the same within the time aforesaid.

And be it enacted by the authority aforesaid, That if at any time complaint shall be made of any breach of treaty, injury, wrong, or grievance, done or committed against any native prince in India, by any of the governments of the said united company's settlements, or any officer or other person, civil or military, in the service of the said united company; or if any such breach of treaty, injury, wrong, or grievance, shall (without complaint being made thereof) appear upon any part of the correspondence relating to the said united company's affairs; the said directors hereby appointed shall, as speedily as may be, enquire into such breach of treaty, injury, wrong, or grievance; and shall begin their examination into the same, by reading and considering any treaties, agreements, or assurances, subsisting between the said united company and such native prince, or any way relative to him, if any such there shall be, or any orders which may have been given by the court of directors hereby discontinued, or general court of proprietors, relating to such native prince; and the said directors hereby appointed, shall do full and complete justice to such native prince for such breach of treaty, injury, wrong, or grievance, and on every material article and head of charge (if there be more than one) specifically, and not upon the whole of such charge in gross.

And be it further enacted by the authority aforesaid, That three, and not less, of the said directors, shall form a board for executing

this act, or any of the powers thereof, or any other powers vested in or committed to, or which shall be vested in or committed to, such directors, and the major part of the said directors present shall determine, except where the voices shall be equally divided, and then the chairman, or in his absence, the deputy chairman, shall have two voices, or the casting voice.

And be it further enacted by the authority aforesaid, That all the correspondence of the said directors hereby appointed, with all persons whatsoever in the service of the said united company, shall be signed by the secretary of such directors, by order of the board.

And whereas by virtue of the charter of the said company, and the regulations which have from time to time been made for the better government of the said company, it is required, that certain acts should be done or consented to, and that certain accounts should be signed by a particular number of the directors hereby discontinued, be it therefore enacted by the authority aforesaid, that in all cases whatsoever, where any act, matter, or thing is directed to be done or consented to, or any accounts or writing to be signed by the directors hereby discontinued, or to be done or consented to, or signed by any particular number of such directors, such act, matter, or thing shall, from and after the commencement of this act, be done or consented to, and such accounts or writing shall be signed by three of the directors hereby appointed.

And be it further enacted by the authority aforesaid, That the said directors hereby appointed, and assistant directors, and each and every of them, during the continuance of this act, shall be utterly incapable of taking, holding, or exercising any office, station, or employment whatsoever, in the service of the said united company; and shall also be incapable of taking, holding, or exercising any other place of profit from the crown, during pleasure.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for his majesty to remove any of the said directors hereby appointed, or assistant directors upon an address of either House of parliament.

And whereas a doubt may arise, whether the place of director, when the same shall be held by any person, to be appointed by his majesty, in manner herein before provided, be not within the provision of an act of the sixth year of the reign of Queen Anne, intituled, "An act for the security of her majesty's person and government, and of the succession to the crown of Great Britain in the protestant line," although the said place shall have been created and erected by authority of parliament: be it therefore enacted and declared by the authority aforesaid, that such office shall not be deemed and taken to be within the intent and purview of the said act; nor shall any person accepting and holding the same, by an appointment from his majesty, under his royal sign manual, be thereby disqualified from being elected, or sitting and voting as a member of the House of Commons.

And be it further enacted by the authority aforesaid, That there shall be further paid for and to each of the assistant directors,

ly disputes,

for so long time as he shall continue in the office, a clear yearly salary of five hundred pounds, payable by half yearly payments; and that the respective payments of the said salaries shall be stated and allowed in the account of the disbursements for the management of the affairs of the said united East India company.

And be it further enacted by the authority aforesaid, That this act and all the provisions herein contained, shall commence and take effect from and immediately after this act shall have received his majesty's royal assent, and shall continue, and be in full force for and during the space of four years.

A Bill for the better Government of the Territorial Possessions and Dependencies in India.

Whereas great disorders have prevailed in the government of the British territorial possessions, and dependencies thereof in India; and the laws and lawful authority of this kingdom have not been duly obeyed by divers of the servants of the united company of merchants trading to the East Indies.

For remedy whereof in future, be it declared and enacted, and it is hereby declared and enacted, by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That there is not, nor hath been, any privilege, authority, power, pre-eminence, or jurisdiction granted, or meant or intended to be granted, in and by an act of the thirteenth year of the reign of his present majesty, intituled, "An act for establishing certain regulations for the better management of the affairs of the East India company, as well in India as in Europe," or in and by any other act or acts whatsoever, or in or by any law or usage whatsoever, for the governor-general and council of Bengal, or either or any of them, collectively or individually, or any other person whatsoever in the service of the said united company, which doth or shall in any manner exempt him or them, in the exercise of any powers or authorities whatsoever, from a strict and faithful obedience to the orders and directions which have been issued to or for them, from the late or any other court of directors, or which shall or may be issued to or for them by the commissioners named and appointed in an act of this session of parliament, to manage and govern the affairs of the said united company, instead of the said court of directors and general court of proprietors, or such other commissioners as shall or may be lawfully appointed for exercising the powers given them in and by the said act.

And be it further declared and enacted, That all general or special orders of the court of directors of the said united company, for the regulation of the conduct of the governor-general and council of Bengal, or of any other president and council, or of any other person or persons, in any other station, office, employment, or capacity whatsoever, in the service of the said united company, shall be, and are hereby declared to be, rules by which the persons herein before described shall be governed and directed, until notice

shall be given by the said commissioners of any alteration, revocation, or repeal of them, or any of them.

And whereas pretences have been used to evade the salutary regulations of the said act of the thirteenth year of his majesty's reign, relative to rules, ordinances, and regulations, as if the provisions contained in the said act, relative thereto, were confined to certain forts and factories; whereby a power subject to no control has been exercised throughout the provinces of Bengal, Bahar, and Orissa; be it therefore declared and enacted, That all rules, ordinances, and regulations, which by the said act it is made lawful for the governor-general and council of Fort William to issue, for the good order and civil government of the said settlement, under certain restrictions and provisions in the said act contained, were not, nor are meant or intended to be, confined only to such rules, ordinances, and regulations, as are made or issued for the government of, or relative to forts and factories, or other subordinate places in the said settlement only; but shall, and all such restrictions and provisions are hereby expressly declared to extend, without any exception or limitation whatsoever, to all rules, ordinances, and regulations, as are made or issued for the government of, or relative to forts and factories, or other subordinate places, in the said settlement only; but shall, and all such restrictions and provisions are hereby expressly declared to extend, without any exception or limitation whatsoever, to all rules, ordinances, and regulations, made and issued by the said governor-general and council of Fort William, in whatever place, or wheresoever, or over whatsoever class or description of persons, the same are to operate.

And be it further enacted by the authority aforesaid, That any such rule, ordinance, or regulations, shall not only be duly registered and published in the supreme court of judicature, but an account or abstract of the true effect and substance thereof, and of every clause and provision thereof, in the Persian and Hindostan languages, shall be registered and published, and affixed up in some commodious and conspicuous place, in each and every provincial court within the provinces of Bengal, Bahar, and Orissa, or within the territory to which it relates.

And be it enacted by the authority aforesaid, That no delegation whatsoever of the powers of the governor-general and council of Bengal, or of any president and council of any other of the said settlements, shall be made or given to the said governor-general or president, or any other person or persons whatsoever; and in case the said governor-general, or any member of the council of Bengal, or any president or member of the council of any other of the said settlements, or any other person or persons whatsoever, shall be employed in the execution of any special commission, the proceedings thereupon shall not be finally approved, and confirmed until a full report of the same shall be made to the said governor-general and council, or president and council, respectively; and the person or persons so employed shall, upon the requisition of the governor-general or president, or any member of the said council, deliver into council his documents or vouchers in support

of any particular fact or facts alledged by him to have happened in the execution of such commission, and in support of which documents or vouchers might have been had.

And be it further enacted by the authority aforesaid, That all correspondence and communication whatsoever, of or by any resident, agent, or other person employed at the court of any native prince or state, or of or by any such native prince or state, or any agent or minister of such native prince or state, or of or by any chief and council of any factory or subordinate settlement, or any of them, or of or by any collector of revenue, shall be addressed to the governor-general and council, or president and council, respectively; and all correspondence and communication whatsoever of or by any such person or persons, whether addressed to the said governor-general or his secretary, or to any member of the council or his secretary, shall be laid before the council, after the same shall be received.

Andbeit enacted bythe authority aforesaid, That the governor-general of Bengal, and the president of any other of the said principal settlements in India, may by his own authority, adjourn or postpone the consideration of any question whatsoever, in the respective councils in which they preside, for the space of and no longer: Provided always, That such governor-general or president shall not have power to adjourn or postpone the same question more than

And be it enacted by the authority aforesaid, that neither the governor general and council of Bengal, nor president and council of any other of the said united company's presidencies or settlements in India, shall have power to cede to, or exchange with, any native prince or state whatsoever, any territory, which was in the possession of the said united company, or of any of its dependent princes or states, in or immediately before the year nor shall make or accept any acquisition whatsoever, whereby the territory of the said united company shall be increased or extended, without orders or directions expressly for that purpose, transmitted by the said commissioners appointed in and by an act of this present session of parliament, for managing the affairs of the said united company.

And be it enacted by the authority aforesaid, That it shall not be lawful for the said governor-general and council of Bengal to invade, or enter with any armed force, or in any hostile or offensive manner, into the territory of any native, independent prince or state in India, except upon intelligence, the credibility and importance of which shall be allowed by a majority in council, and so declared to be, in minutes subscribed by each member composing such majority, upon the records of the said council, that such prince or state is about to attack and make war upon, or actually making preparations to attack and make war upon the territories of the said united company, or of some of the princes or states dependent thereupon.

And be it further enacted by the authority aforesaid, That neither the said governor-general and council of Bengal, nor the president and council of any other of the said presidencies or settle-

ments, shall have power to make any offensive alliance whatsoever, for the purpose of dividing or sharing any country or territory whatsoever, between or with the said united company and any native prince or state in India, without the express orders and directions, for that purpose of the commissioners aforesaid.

And be it further enacted by the authority aforesaid, That the said governor-general and council of Bengal, or any president and council of any other of the said presidencies or settlements, shall not make or enter into any treaty or agreement whatsoever, to hire out to any native prince or state in India, any part of the British or native troops serving in India under the orders of the said united company; nor shall make or enter into any new treaty or agreement whatsoever, to or for the keeping up of any body of such troops in any of the countries or territories of any of the independent princes or states in India.

And be it further enacted by the authority aforesaid, That the said governor-general and council of Bengal or any other of the presidents or councils of the said presidencies or settlements in India, shall not appoint to, or employ in any office, place, or station whatsover, any person whatsoever, native or British, who hath been or shall be removed from any office, station, or place whatsover, for any misdemeanour or other offence, without authority for that purpose first had and obtained from the said commissioners.

And be it further enacted by the authority aforesaid, That it shall not be lawful for the said governor-general and council of Bengal, or any president and council of any other of the said presidencies or settlements in India, or any collector of revenue, or chief or other member of any provincial or subordinate settlement in India, to let or rent any farm of land, or other thing whatsoever, to any Banian, native steward, or other native servant whatsoever, of any governor-general, president, or member of any council, collector of revenue, or of any officer in the army, or of any judge in the supreme court, or of any civil servant of the said united company; and all contracts and agreements made contrary to this act, with any such Banian, native steward, or native servant, for the purpose of letting or renting any farm of land, or of other thing whatsoever, shall be deemed and taken to be for the account of the principal, or person in whose service such Banian, native steward, or native servant is; and such Banian, native steward, or native servant, shall account to the said united company for the profits made by such farm of land or other thing; which profits shall and may be recovered from such principal, or person in whose service such Banian, native steward, or native servant was, at the time when such contract or agreement was made or entered into.

And be it further enacted by the authority aforesaid, That from and after all monopolies, rights of pre-emption, or preferences, by any authority, or upon any pretence whatsoever, of any commodities or goods in any of the said united company's settlements in India, shall be, and are hereby declared to be contrary to law, and void.

And be it further enacted by the authority aforesaid, That no

debt or balance exceeding in consequence of any advance to be made for the making of any manufacture, or for the purchase of materials, by any person making the same, or to any husbandmen or actual cultivator of land, for any raw commodity, shall be recoverable in any court, or by any action or suit at law, or by any compulsory or other process or means whatsoever, after the space of from the time of making the said advances: And that it shall not be lawful to imprison in any common prison, or in any private house or out-house, any person whatsoever, for or by reason of any such advances, within the said space of or at any time afterwards.

And whereas in and by the said act of the thirteenth year of the reign of his present majesty, it is enacted, That every present, gift, gratuity, donation, or reward, accepted, taken, or received, contrary to the true intent and meaning of the said act, shall be deemed and construed to have been received and taken to and for the sole use of the said united company. And whereas the said provision hath been attended with inconvenience, inasmuch as it has been pretended that the servants of the company have liberty to take and receive presents, accounting to the said united company for the same: Be it therefore enacted by the authority aforesaid, that every such present, gift, gratuity, donation, or reward, accepted, taken, or received, if the same shall not be corruptly given to obtain any place or other object, to which the person giving the same shall not be entitled, shall be returned or re-delivered to the person giving the same, or his representatives, according to the custom of the country; and such person, or his representatives, shall and may recover the same by any suit, action, or bill, or other mode of proceeding whatsoever in use in the place where such gift, gratuity, donation, or reward, shall be accepted, taken, or received, brought at any time against the person to whom the same was given, or his representatives; and if the same was corruptly given to obtain any place, or other object, in or any way relating to the said united company's service, then and in that case the person giving shall not be entitled to recover the same, but the same shall be to and for the sole use of the said united company, as heretofore.

And whereas it may happen, that neither the person giving such present, gift, gratuity, donation, or reward, nor the said united company, may sue for the same; be it therefore enacted, that in case the person giving the same, or the said united company, shall not sue for the same within months, then the same shall and may be sued for, and recovered, in manner aforesaid, by any person or persons whatsoever, to and for his and their sole use and benefit.

And be it further enacted by the authority aforesaid, That if any person, from and after shall, contrary to the said act of the thirteenth year of the reign of his present majesty, accept, receive, or take, directly or indirectly, by himself, or any other person or persons on his behalf, or for his use or benefit, of and from any of the Indian princes or powers, or their ministers or agents, or any of the natives of Asia, any present, gift, donation, gratuity, or reward, pecuniary or otherways, upon any account, or

on any pretence whatsoever, or any promise or engagement for any present, gift, donation, gratuity or reward, and shall be therefore legally convicted in the supreme court at Calcutta, or in the mayor's court in any other of the said united company's settlements, or in any court of competent jurisdiction to try such offence in this kingdom, such person shall thereupon

And whereas some of the servants of the said united company, have raised the rents paid by landholders to the said united company, and have farmed out the lands at new rents, by means of which practices several ancient families have been dispossessed of lands long in their occupation, and have been reduced to indigence and distress. For remedy whereof, be it enacted and declared by the authority aforesaid, and it is hereby enacted and declared, That all lands and tenements within the provinces of Bengal, Bahar, and Orissa, or in any territorites in which the receipt and management of the revenues is or shall be under the immediate administration of the said united company, or their servants or agents, not in the actual occupation of the said united company, or by them leased or farmed out, in or immediately before the year shall be deemed and taken to be the estate and inheritance of the native landholders and families who then had and held the same, unless dispossessed by judgment of some competent court, for some crime or misdemeanour, or non-payment of their rent, and shall be from henceforward enjoyed by them, and their heirs and descendants, according to the custom of the country of or relating to the same, or where the same is had and held, without any molestation, interruption, or disturbance whatsoever, of or by the said united company, their governors, council, ministers or servants.

Provided always, That nothing herein contained shall be construed to deprive the said united company of the rent or tribute which shall be due or payable to them from such native landholders, their families or descendants, for or on account of any such land; or to prevent the said united company from having or taking any means according to the laws and usages of the said countries, for recovering and obtaining payment of such rent or tribute.

And, for quieting the minds of the said native princes, and preventing the corrupt practices which may arise from arbitrary alterations of rent or tribute; be it enacted by the authority aforesaid, That the rent, tribute, service, or payment, paid or agreed to be paid by the said native landholders, in the provinces or territories aforesaid, to the said united company, in or immediately before the year shall remain and be, and be deemed and taken to be, the fixed and permanent rent, tribute, payment, or service, which shall be payable to the said united company by the said native landholders, their families, heirs, and descendants; and that it shall not be lawful for the governor-general and council of Bengal, or the governor and council of any other principal settlement, or the chief and council of any subordinate settlement, or any other servant or agent of the said united company, to alter such rent, tribute, service, or payment, upon any protence whatsoever, or to exact from or impose upon any such native landholder, his family,

heirs, or descendants, any farther or greater rent, tribute, service, or payment, or any other charge than is herein provided.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the governor-general and council of Bengal to restore, and they are hereby authorised and required to restore to every native landholder, his heirs or descendants, according to the usage of the country, who shall have been removed or dispossessed of his land or territory, the actual possession thereof, upon the rent, tribute, service, or payment herein before provided, if such native landholder shall be willing or desirous to repossess his land or territory; subject, nevertheless, to such farm or leases thereof as shall or may have been made before the and shall be still existing: and if such native landholder shall have quitted or been dispossessed of his land or territory, for or upon condition of receiving any pension or appointment in lieu thereof, and shall prefer such pension or appointment, the same shall, on no account, or upon no pretence, be discontinued, withheld, diminished, or taken away, but shall be regularly paid to such native landholder, his family, heirs, or descendants, according as the land or territory was held, and to the terms and stipulations made with such native landholder.

And be it further enacted by the authority aforesaid, That all native princes and states in India, who having the management of their own revenues, are engaged, by treaty or otherwise, to furnish or keep up a body of troops for the defence or service of the said united company, or to pay any tribute or sum of money in lieu thereof, or to keep up or pay any body of English troops, or to pay any tribute or sum of money in lieu thereof, or who pay any tribute or sum of money for the protection of the said united company, are under the protection of his majesty, and shall not be disturbed or molested by any of the servants of the said united company in the enjoyment of their rights according to the laws and usage of the country.

And whereas some of the servants of the said united company have heretofore committed unwarrantable acts in and relative to the territories and revenues of the native princes and states under the said united company's protection; be it further enacted by the authority aforesaid, That all and every of the servants of the said united company, civil and military, shall be, and are hereby declared to be amenable to the said commissioners appointed to manage the affairs of the said united company, and in and to all courts of justice, (both in India and in Great Britain,) of competent jurisdiction to try offences committed in India, for all acts, injuries, wrongs, oppressions, trespasses, misdemeanors, crimes, and offences whatsoever, by them or any of them done or committed in any of the lands or territories of such protected native princes or states, or against their persons or properties, or the persons or properties of any of their subjects or people; whether the same were committed under pretence of the order of any native protected prince, or otherwise howsoever, in the manner as if the same had been done or committed within the territories directly subject to and under the British government in India.

And be it further enacted by the authority aforesaid, That no civil or military servant in the said united company's service, or person in the service of his majesty, shall, by himself or any agent for him, take upon himself to collect or farm, or be any way concerned, directly or indirectly, in collecting or farming of any of the revenues of such protected native princes or states.

And be it further enacted by the authority aforesaid, That if any officer, civil or military, of the said united company, shall invade or make war upon or enter with an armed force, in a hostile or offensive manner, any of the territories of the native princes or states in India, not under the protection of his majesty and the said united company, without express orders in writing from the governor-general and council of Bengal, such person, upon conviction thereof in the supreme court of Calcutta, or in any mayor's court, in any other of the said principal settlements, or in the court of King's Bench, or in any other court which shall have jurisdiction to try offences committed in India, shall be

And be it further enacted by the authority aforesaid, That none of the said protected native princes or states shall have any other native prince or state dependent upon him or them, any farther or otherwise than as such other native prince or state shall have stood bound or engaged to such protected native prince or state or on before the year for the payment of any sum or sums of money, rent, or tribute, or for furnishing or supplying some definite quota of troops, which troops shall not be required or called for without the orders of the governor-general and council of Bengal, or president and council of some other principal settlement.

And be it further enacted by the authority aforesaid, That the succession of the said protected native princes shall be directed and disposed of according to the laws of the country, or to such treaties as shall have or contain any stipulation concerning the same; and that such succession shall not be altered or disposed of by will, or in any other manner, contrary to the laws of the country, and the faith of such treaties.

And be it further enacted by the authority aforesaid, That such protected native princes or states shall not be permitted to rent or take, or have any farm or lease of any lands whatsoever, of or from the said united company.

And be it further enacted by the authority aforesaid, That no such protected native prince shall be permitted to reside for more than in any of the said united company's settlements, unless, being expelled from or driven out of his dominions, he shall take refuge in the said united company's territories.

And be it enacted by the authority aforesaid, That from and after it shall not be lawful for any servant, civil or military, of the said united company, to have or be engaged in the borrowing or lending of any money, or in any money transaction whatsoever, or in the farming of any lands or revenues, or in the buying or selling of any goods or commodities whatsoever, or in any other transaction of commerce or business whatsoever, with any such protected or other native prince or state; and all such transactions, and all contracts and engagements of or relating to

the same, are hereby declared ; and any person or persons guilty of any such offence, and thereof convicted in the manner herein before last mentioned, shall be

And be it further enacted by the authority aforesaid, That it shall not be lawful for the said protected native princes or states to remove or dispossess any zemindar, or other native prince, or landholder, nor to increase his rent or tribute beyond that which was paid by such zemindar or native prince in the year nor to farm any land at any higher or greater rent or tribute than the same was farmed at or for in the said year nor to resume any jaghire granted at any time before the year

And be it further enacted by the authority aforesaid, That all zemindars, and native princes and states, who shall have been dispossessed of their lands and territories by at any time since shall be restored to the possession and enjoyment of the same.

And be it further enacted by the authority aforesaid, That the nabob of Arcot, the rajah of Tanjore, or any other protected native prince in India, shall not assign, mortgage, or pledge any territory, or land whatsoever, or the produce or revenue thereof, to any British subject whatsoever; neither shall it be lawful for any British subject whatsoever to take or receive any such assignment, mortgage, or pledge; and the same are hereby declared and all payments or deliveries of produce or revenue, under any such assignment, shall and may be recovered back by such native prince paying or delivering the same, from the person or persons receiving the same, or his or their representatives.

And be it enacted by the authority aforesaid, That it shall not be lawful for any British subject whatsoever to have, receive, or take any payment of money, produce, revenue, goods, commodities, or effects whatsoever, of or from any such native protected prince, or any agent or servant thereof, for or on account of any debt now due, or claimed to be due, from such protected native prince, except such debts as were consolidated in the year and allowed by the court of directors, and by them ordered to be recovered, without proof first made, to the satisfaction of the said commissioners, or such person or persons as they shall appoint, that such debt was fairly and *bona fide* contracted for money lent, or goods sold and delivered, or in some open and avowed course of trade and commerce, and not as, or for, a reward for any service done or performed, or intended to be done or performed, by any such British subject, to or for any such protected native prince, or for any other matter forbidden or prohibited to be made or done by any law or laws now in force, or hereafter to be in force, or by any order or orders of the said united company, or any order or orders to be made by the said commissioners appointed to manage the affairs thereof; and an entry, with the nature and particulars of the claim, and of the evidence in support thereof, shall be made in the journal of the said commissioners, or in the minutes of such person or persons as they shall for those purposes appoint, with the opinion of the said commissioners, or such person or persons thereon.

And be it further enacted by the authority aforesaid, That all disputes and differences whatsoever, now actually subsisting between the nabob of Arcot and the rajah of Tanjore, shall be examined and considered, as soon as may be, by the said commissioners appointed to manage the affairs of the said united company; who shall, and they are hereby required, as soon as they shall have sufficiently examined and considered the same, to send and transmit such orders as shall appear to them best calculated for the quiet and final adjustment and termination of such disputes and differences, according to the principles of, and the terms and stipulations contained in, the treaty of one thousand seven hundred and sixty-two, between the said nabob of Arcot and the rajah of Tanjore, and to the orders and instructions of the court of directors given to George Lord Pigot, late governor of Fort Saint George, and to the arrangements made relative to such dispute and differences by the said George Lord Pigot.

And be it further enacted, That the said commissioners shall, and they are hereby directed and required to send and transmit to the governor-general and council of Bengal, or the president and council of Fort Saint George, or to or by such other person or persons as they shall for that purpose specially nominate and appoint, full and explicit orders and directions, not only to settle and terminate the said differences and disputes, but also to take into consideration and examine the present state of the affairs, revenues, and debts of the said nabob of Arcot, and of the rajah of Tanjore; and to enquire into and ascertain the origin, nature, and amount of all claims whatsoever on them by British subjects; and immediately to make a full report thereupon to the said commissioners; and to adopt, propose, or suggest such ways or means for the liquidation and settlement of such debts as shall appear to be well founded and contracted *bonâ fide*, (and not by any illicit dealing, or in consequence of any breach or disobedience of the said united company's orders,) and for the payment and discharge thereof, by such instalments, and at such times, and in such manner, as shall be consistent with justice to the creditors of the said nabob and rajah, and to the service of the said united company, and as shall occasion the least difficulty and inconvenience to the said nabob and rajah; and, as speedily as may be, to make a full report of all their proceedings touching the said matters to the said commissioners.

And be it further enacted by the authority aforesaid, That all polygars, which shall or may have been dispossessed or driven out of their lands or territories at any time since the year shall be restored to the possession of the same, and hold the same at and for the same, and at no greater rent or tribute as such polygars paid, or were liable to pay, on or immediately before

And whereas it is enacted in and by the act of the thirteenth year of the reign of his present majesty, That the said governor-general and council, or the major part of them, shall have power of superintending and controlling the government and management of the presidencies of Madras, Bombay, and Bencoolen, respectively, so far as that it shall not be lawful for any

president and council of Madras, Bombay, or Bencoolen for the time being, to make any orders for commencing hostilities, or declaring or making war, against any Indian princes or powers, or for negotiating or concluding any treaty of peace, or other treaty, with any such Indian princes or powers, without the consent and approbation of the said governor-general and council first had and obtained, (except in the cases of imminent necessity, and of special orders from the said united company,) with power to the said governor general and council to suspend any president and council offending in any of the cases aforesaid: And whereas great disputes have at different times arisen respecting the extent of the said controlling power given to the said governor-general and council, to the embarrassment and injury of the said united company's service; for remedy whereof, be it enacted and declared, that the said power given to the governor-general and council of Fort William, of superintending and controlling the government and management of the presidencies of Madras, Bombay, and Bencoolen, respectively, doth and shall extend to all negotiations and cases whatsoever, which, though they shall not in themselves be the commencement, or orders for the commencement, of hostilities, or the declaring or making war against any Indian princes or powers, shall nevertheless be of any unwarrantable nature or tendency against such Indian princes or powers, or shall be of a nature and tendency to create dissatisfaction and alarm among any of them, and consequently provoke to bring on and occasion hostilities and war, without directly importing or leading to the same: and in all such cases, the said governor-general and council shall have all the powers of suspending, given them in and by the said act of the thirteenth year of the reign of his present majesty; and shall enter on their minutes of consultation at large, the whole nature of the case in which, and the reasons for which, they exercise the said powers, and shall transmit the same by the first opportunity, to the said commissioners appointed for the management of the affairs of the said united company: and if the case in which the said superintending, controlling, and suspending powers, or any of them, are exercised, be such as creates a reasonable doubt whether the said powers apply to it, the governments and presidencies of Madras, Bombay, and Bencoolen, are nevertheless hereby required to submit and yield obedience to the acts of the said governor-general and council, and to lay the case before the said commissioners, for the determination thereof.

And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the government and presidency of Bombay, whenever and as often as any war against the said united company, their possessions or dependencies, shall be actually commenced, or the danger thereof is impending and imminent, in the north-west and western coasts of India, or in the territories adjoining thereto, and in the neighbourhood thereof, or in any part of the territories of the states of the Mahrattas, to make and conclude any treaty or terms of peace, truce, or cessation of arms, with any of such Indian princes or states actually at war, or about to make war, or for the amity, assistance, or alliance of any

other Indian prince or states, the better to defend the possessions of the said united company against such war commenced or impending: Provided always, that the said government and presidency of Bombay do and shall insert, or cause to be inserted, in all and every such treaty herein before mentioned, a clause or provision that the same shall be null and void, unless it shall be approved and ratified (within a certain reasonable time therein to be named) by the governor-general and council of Fort William; and the said government and presidency shall, and they are hereby required to enter on their minutes of consultation, at full length, the occasion of and necessity for such proceedings, with the reasons upon which they have acted, and the documents or vouchers (if any there shall be) for the facts alleged; and shall transmit the same from time to time, as they shall arise or happen, and all propositions relative to the same, as they shall be made, to the said governor-general and council of Fort William, and to the said commissioners appointed to manage the affairs of the said united company, respectively; and shall obey and follow, under the pain of suspension, all such orders and directions thereupon as they shall receive from the said governor-general of Fort William, until the same shall be altered or corrected by the said commissioners.

And be it further enacted by the authority aforesaid, That the government and presidency of Madras shall have the like powers and authorities, under the same limitations and restrictions, in case of war against the said united company, their possessions or dependencies, actually commenced, or the danger thereof impending and imminent, on the coast of Coromandel, from to on the coast of Malabar, or in the territories adjoining thereto, and in the neighbourhood thereof.

And be it further enacted by the authority aforesaid, That no governor-general, governor, or president, member of council, or other officer, civil or military, in the service of the said united company in India, (whether such person shall be actually in the execution of his office in India, or shall be absent therefrom in Great Britain, or in any other place) or any agent, in Great Britain or India, of any protected or other native prince in India, shall be capable of being a member of, or of sitting and voting in the House of Commons: Provided, that every such person, actually a member of the House of Commons at the time of passing this act, shall and may sit and vote for and during the remainder of the present parliament.

And be it further enacted by the authority aforesaid, That no person having been in the civil and military service of the said united company, and who hath resigned or quitted the same, shall be capable of being elected into, or of sitting or voting in the House of Commons, at any time within after he shall have been returned to and resident in Great Britain, or whilst any proceedings in parliament, or any other public prosecution, shall be depending against him for any crimes or offences alleged to have been committed by him whilst he was in the said service: Provided always, that such proceedings or public prosecution shall

have been commenced before the expiration of the said space of after the return of such person, and shall be finally determined within the space of after the after the commencement thereof; otherwise the same shall not operate to disable such person from being elected into, or from sitting or voting in the House of Commons, unless the delay in such proceedings, or public prosecution, shall be at the request, or through the default of the party prosecuted.

And be it further enacted, That all crimes and offences against this act may be prosecuted in the supreme court at Calcutta, or in the mayor's court in any other of the principal settlements in India, or in the court of king's bench, or any other court in this kingdom, which shall be established for taking cognizance of crimes and offences committed in India; and all the powers and authorities given to the said court of king's bench, in and by the said act of the thirteenth year of the reign of his present majesty, and not herein otherwise provided for, are hereby declared to be extended to all the crimes and offences committed against this act: and in all cases where the punishment is not herein appointed, the court in which the conviction shall take place, shall appoint such fine or imprisonment, or both, as they shall think proper, provided the fine shall not exceed nor the imprisonment and may, in their discretion, superadd the incapacity of serving the said united company.

CHANGE OF MINISTRY.—EARL TEMPLE'S RESIGNATION.—ADDRESS TO THE KING NOT TO DISSOLVE THE PARLIAMENT.—THE KING'S ANSWER.

December 19.

ON Wednesday, the 17th of December Mr. Fox's India bill was rejected by the lords on a division of 95 to 76. It was remarked, that the Prince of Wales, who was in the minority in the former division, having learned in the interim that the measure was offensive to the king, was absent on this occasion. At twelve o'clock on the following night a messenger delivered to the two secretaries of state his majesty's orders, "That they should deliver up the seals of their offices, and send them by the under-secretaries Mr. Frazer and Mr. Nepean, as a personal interview on the occasion would be disagreeable to him." The seals were immediately given by the king to Earl Temple, who sent letters of dismission, the day following, to the rest of the cabinet council; at the same time Mr. William Pitt was appointed first lord of the treasury and chancellor of the exchequer, and Earl Gower president of the council. On the 22d, Earl Temple resigned the seals of his office, and they were delivered to Lord Sydney, as secretary of state for the home-department, and to the Marquis of Carmarthen for the foreign. Lord Thurlow was appointed high

chancellor of Great Britain, the Duke of Rutland lord privy seal, Lord Viscount Howe first lord of the admiralty, and the Duke of Richmond master-general of the ordnance; Mr. William Grenville and Lord Mulgrave succeeded Mr. Burke in the pay-office, and Mr. Henry Dundas was appointed to the office of treasurer of the navy. *

The formidable majority in the House of Commons, who adhered to the late ministers, after their dismission from his majesty's service, made the immediate dissolution of parliament, in the public opinion, an event almost inevitable. The passing of the land-tax bill was a previous step necessarily to be taken. This bill had been twice read, and on Saturday the 20th of December was ordered for the third reading, but as the committee on the state of the nation was to sit on the Monday following, the majority did not think it prudent to suffer this instrument of delay to pass out of their hands, until they had taken some further measures for their security. On Friday the 19th, Mr. Baker moved, that the House at its rising should adjourn to Monday; upon which Mr. Dundas moved, that the House should only adjourn till to-morrow. His reason, he said, for this was, that the land-tax bill, which had this day been reported, stood for the third reading; and it was of the utmost consequence to the nation that it should pass with all imaginable speed. Every one knew that on the 5th of January great payments must be made; and how could they be made, unless the bill by which the money was to be raised should pass before that day? Did gentlemen wish to strike at the very root of public credit? They could not surely desire that the creditors of the public should be disappointed in the payment of the interest due to them for the money advanced by them to the public.

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* The following is a List of the New Administration.

First Lord of the Treasury, and Chancellor of the Exchequer — Right Hon. William Pitt.
Secretary of State for the Foreign Department — Marquis of Carmarthen.
Ditto for the Home Department — Lord Sydney.
President of the Council — Earl Gower (succeeded by Lord Camden).
Lord Privy Seal — Duke of Rutland (succeeded by Earl Gower).
First Lord of the Admiralty — Lord Howe.
Lord Chancellor — Lord Thurlow.

The above composed the Cabinet.

Master-General of the Ordnance — Duke of Richmond.
Attorney-General — Lloyd Kenyon, Esq. (afterwards Lord Kenyon).
Solicitor-General — Richard Pepper Arden, Esq. (afterwards Lord Alvanley).
Joint Paymaster of the Forces — Right Hon. William Wyndham Grenville (afterwards Lord Grenville); Lord Mulgrave.
Treasurer of the Navy — Henry Dundas, Esq. (afterwards Lord Melville).
Secretary at War — Sir George Yonge, Bart.
Secretaries to the Treasury — George Rose, Esq. Thomas Steele, Esq.
Lord Lieutenant of Ireland — Duke of Rutland.
Secretary to ditto — Thomas Orde, Esq.

Mr. Fox said that no man could be more anxious than he was to support the credit of the nation, and consequently to provide for the payments which would become due to the public on the 5th of January; and if the adjourning to Monday could have such an effect as to prevent the passing of the bill before the 5th of next month, and leaving the exchequer empty, his honourable friend would be the last man to make the motion then before the House; and he was sure there was not a man then within hearing, could be so absurd or so wicked as to give it countenance: but when gentlemen recollected that the bill had only one stage more to pass through in that House, and that this was only the 19th of December, they must laugh at the idea that delaying the third reading till Monday, would prevent its passing till the 5th of next month. Indeed, it might be attended with one inconvenience, which however was not a mighty one; it was merely this, that the lords might possibly be kept two or three days longer from their country seats and their pleasures. But gentlemen would think it much better at this moment, when such calamities were hanging over the country; when, by a rash, inconsiderate, and dangerous measure, the parliament was brought, if report was to be credited, to nearly the eve of a dissolution, gentlemen, he said, would think it much better to subject the House to that inconvenience, than to leave their country exposed to the dreadful calamities that a dissolution would draw down upon the nation. He confessed he was struck with astonishment, that there could be found in the kingdom a subject daring enough to advise his sovereign to so desperate a measure. He meant not to question the prerogative of the crown in dissolving parliament, but no one would, on the other hand, question the undoubted right of that House to call ministers to account for any wanton or imprudent exercise of that prerogative. No one would say that such a prerogative ought to be exercised merely to suit the convenience of an ambitious young man: and he there in the face of the House declared, that if a dissolution should take place, and very solid, substantial, and satisfactory reasons were not assigned for it, he would, if he should have the honour of a seat in the next parliament, move a very serious enquiry into the business, and bring the advisers of it to account. At present it would render gentlemen in some degree accomplices in the guilt of a dissolution without cause, to suffer the land-tax bill to go out of their hands, until they should have taken such measures as would guard against the evils which might be expected from a dissolution.

Mr. Bankes supported the amendment: he said, that to dissolve or not to dissolve the parliament was in the breast of the king, and it was no bad symptom of the justice and propriety of his majesty's choice of ministers, that in case of a dissolution, he made an appeal to his people, to learn from the elections whether his choice met with their approbation. Mr. Arden said, that he must be a timid man indeed, and unfit to be the minister of this country, who should be deterred from a dissolution by a resolution of that House upon a question of their own continuation or annihilation; for they were not to be the judges whether the dissolution, supposing it to have taken place, was or was not a wrong measure; that question was to be determined by another House of Commons; by whom it was possible the dissolution might be applauded instead of being condemned.

Mr. Fox said he would not have risen again, if he had not been in some measure compelled to it, by a strange doctrine which he had heard advanced by the learned gentleman who just sat down, against which he would take that opportunity to enter his protest. He would barely take notice in the outset, of the indecent levity, to use no other term, with which the learned gentleman treated the votes of that House, which though he might not approve, he ought to treat with a little more respect. But what he meant chiefly to take notice of was the expression, "that he must be a timid man indeed, and unfit to be the minister of this country, who should be deterred from a dissolution of parliament, by a resolution of the House of Commons." He thought that the learned gentleman, who had studied the constitution, ought to have known that the voice of the House of Commons was the voice of the people of England, at least as long as it did not appear to be contradicted by the people. There was at the learned gentleman's elbow, another learned gentleman (Mr. Dundas) who had told him, that if there were petitions on the table from every county, city, and borough in the kingdom, still it was not from these petitions, but from the House of Commons, that the sentiments of the people of England could be learned. Without going that length, he would say, that in the present case there was the strongest presumptive evidence, that the voice of that House was the voice of the people; for, notwithstanding all that had been said against the India bill, two petitions only, one from London, the other from Chipping Wycomb, had been presented against it by the constituents of any member in that House; and from this it might fairly be inferred, that as to the passing of that bill, the people of England were with that House, and that it spoke their voice. Would the learned gentleman say, that he would be a timid minister who should suffer himself to be

deterred from dissolving parliament by the voice of the people of England? Possibly the learned gentleman might answer in the affimative; but he would tell him, that he must be a bold minister indeed, who should dare to despise the voice of the people. Premature dissolutions were at all times dangerous; but at this time they were so in a more peculiar manner. How stood the country with respect to foreign powers; how stood we with our dependencies; what foreign power would treat with a government in which there was no stability, no permanency? These frequent changes would expose us to the contempt of foreigners, render us and our government the laughing-stock of Europe, and reduce every thing at home to a state of anarchy and confusion, that might make this country feel all the horrors of a civil war, short of bloodshed. Future governments might think themselves secure, when acting upon principle and for the good of the public, when ambitious young men might rise up, and grasping at power, plunge into the most desperate measures to obtain it. They might be assisted in this by secret influence; and if they should venture to think for themselves, and refuse to be the slaves or tools of advisers whom they did not see, the same secret influence which raised them, would as easily pull them down. An honourable member said, that his majesty would appeal to his people for the approbation of his choice of ministers, which he was to learn from the elections: this he thought would not prove a very successful manner of getting their approbation; however, upon the popularity of that bill, which had been rejected by the lords, he would build his hopes of success; he was determined to meet a popular election; he believed there was not a more unbiassed, independent, or numerous body of electors in the kingdom than those of the city which he had now the honour to represent, and to those electors he would again offer himself; nor was he afraid that in consequence of that bill, he should lose their confidence.

The amendment was rejected, and the original motion agreed to.

December 22.

Soon after the Speaker had taken the chair, Mr. William Grenville requested the House would for a moment favour him with their attention on a subject, which, though of private concern to him individually, was more particularly interesting to the House. Certain reports, he said, which had been for some days in circulation, had been made the grounds of a resolution in that House, which he understood had been since construed to relate to a noble

lord with whom he was most closely connected in blood, (Earl Temple;) and as he also understood that some farther proceeding was to be had that day on the same subject, which might possibly be directed against that noble lord, he was authorized by his noble relation to say, that he was ready to meet any charge that should be brought against him; and that he might not be supposed to make his situation as minister stand in the way of, or serve as a protection or shelter from enquiry and from justice, he had that day resigned into his majesty's hands the seals of office with which his majesty had so lately been pleased to honour him; so that his noble relation was now in his private capacity, unprotected by the influence of office, ready to answer for his conduct, whenever he should hear the charge that should be brought against it.

Mr. Fox said, that as to the propriety of the noble lord's relinquishing his situation, he himself was certainly the best judge: he knew why he accepted, he knew why he retired from office; but certainly no one had said that any resolution would be levelled at the noble lord, and his lordship must have been aware of this, for the nature of the transaction to which the reports alluded was such, as almost necessarily precluded the possibility of bringing evidence that would convict the noble lord, or any other person, of the charge which naturally arose from the rumours. But though this evidence was wanting, and though the noble lord had resigned, still he was of opinion the House ought not to give up the idea of going into a committee on the state of the nation, in which a learned friend of his (Mr. Erskine) intended to make a motion, which, without any mention of the noble lord, would guard against the fatal effects of that baneful secret influence that threatened the existence of the constitution.

• The House then resolved itself into a committee of the whole House, to consider of the state of the nation, in which, after a most able speech, Mr. Erskine moved, that the chairman be directed to move the House, "That an humble address be presented to his majesty, humbly to represent to his majesty, that his majesty's most dutiful and loyal subjects, the commons of Great Britain, in parliament assembled, think themselves bound in duty humbly to represent to his majesty, that alarming reports of an intended dissolution of parliament have gone forth:—that his majesty's faithful commons, dutifully acknowledging the wisdom of the constitution, in trusting to the crown that just and legal prerogative, and fully confiding in his majesty's royal wisdom and paternal care of his people, for the most beneficial exercise of it, desire, with great humility, to represent to his majesty the inconveniences and dangers which appear to them, from a consideration of the state of the nation, likely to follow from a prorogation or dissolution of the parliament in the present arduous and critical conjuncture

of affairs: the maintenance of the public credit, and the support of the revenue, demand the most immediate attention: the disorders prevailing in the government of the East Indies, at home and abroad, call aloud for instant reformation; and the state of the East India company's finances, from the pressing demands upon them, require a no less immediate support and assistance from parliament:—that his majesty's faithful commons are at present proceeding with the utmost diligence upon these great objects of government, as recommended to their attention by his majesty's gracious speech from the throne, but which must necessarily be frustrated and disappointed by the delay attending a dissolution, and most especially the affairs of the East Indies, by the assembling of a new parliament, not prepared, by previous enquiry, to enter, with equal effect, upon an object involving long and intricate details, which his majesty's faithful commons have investigated, for two years past, with the most laborious, earnest, and unremitting attention:—that his majesty's faithful commons, deeply affected by these important considerations, impressed with the highest reverence and affection for his majesty's person, and anxious to preserve the lustre and safety of his government, do humbly beseech his majesty, to suffer his faithful commons to proceed on the business of the session, the furtherance of which is so essentially necessary to the prosperity of the public; and that his majesty will be graciously pleased to hearken to the advice of his faithful commons, and not to the secret advices of particular persons, who may have private interests of their own, separate from the true interests of his majesty and his people."

The language used by the partizans of the new administration, in the debate on the 19th, and their eagerness in pressing the third reading of the tax bills, left no room to doubt of their intention to dissolve the parliament as soon as that necessary step was secured. But on this day there appeared some marks of indecision, at least, if not of a total desertion of that design; and this change in the counsels of government was supposed to have been the real cause of the sudden resignation that had been just announced to the House. Mr. Dundas, who was soon after made treasurer of the navy, and Mr. Bankes the private confidential friend of the chancellor of the exchequer, assured the committee that there was no intention in government to interrupt the present proceedings of parliament, either by dissolution or prorogation; and the latter gentleman particularly added, that he had authority from his friend to declare, that if such a measure should be proposed in his majesty's council, he would oppose it; and if it should be carried against his opinion, he would immediately resign his office.

Mr. Fox begged that gentlemen would excuse him, if, notwithstanding the positive assurances that had been given by the two last speakers, he still continued of opinion that the address ought to be carried. He had a great deal of reliance upon the honour and integrity of the right honourable gentle-

man alluded to; though he could not say he had much dependence upon his steadiness; for to see men on one day accepting official situations, and the next day resigning them, afforded very little hope of that stability which at all times, but more particularly in the present, was necessary to give effect to any establishment that it should be thought proper to propose. But the very means by which the power of the present advisers of the crown had been obtained, might deprive them of it: that secret influence, which had made them ministers, might in the end operate to their downfal. The resignation of a noble lord, which had been that day announced to the House, had very little weight with him: it could not make him renounce any one measure that he had in contemplation before he heard of that event; nay, if it should have any influence at all upon him, it would be to make him think the address still more necessary, for he looked upon that noble lord as more dangerous now, than when he held an ostensible situation in government. When he was a minister of the crown, he was responsible for his conduct, and for the advice he should give; but now being out of office, he might, as a peer of parliament, avail himself of that character, and, unperceived, whisper an advice to his sovereign, that might in a moment produce those events, which the right honourable gentleman, not now a member of this House, was willing to pledge himself should never be brought about through his means. It was impossible, therefore, for him to consent that the address should be withdrawn; because he ought not in duty to suffer, as far as lay in him as an individual member of that House, any thing to be left undone which might prevent all those calamities which must necessarily be the consequence of a dissolution of parliament. Not one argument had been urged to induce him to think that the address ought to be withdrawn: indeed no one had attempted to adduce any such argument; and as he saw the address was in every syllable of it unexceptionable, and that it was not opposed from any quarter of the House, he certainly was of opinion that it ought to be carried. He declared that he meant no disrespect to the right honourable gentleman who had lately been placed at the head of affairs, in refusing to take his word that the parliament would not be dissolved; as far as that gentleman was concerned, he would readily take his word: but in reality, if he himself were now in the situation which the right honourable gentleman filled, knowing as much as he did know of the power of secret influence, he would not ask any man to take his word; because he did not know but at the very moment when he might be declaring that the parliament would not be dissolved, that very measure might be resolved upon in consequence of some secret advice, of which

he might know nothing until he felt the effects of it. The right honourable gentleman no doubt meant to keep his word; but if he should find that by a prevalency of secret influence, the dissolution of parliament should hereafter, unknown to him, be resolved on, it would be a very small satisfaction indeed to the public, amidst the sufferings which such a measure would bring upon them, that the right honourable gentleman meant well, and had been himself deceived. It was the duty of the committee to adopt a measure which would guard the constitution against the baneful consequences of secret influence, and banish it for ever from about the throne.

Mr. Bankes said, that after such a promise as he had made in the name of his right honourable friend, the committee might rest assured, that if any idea of a dissolution, or prorogation of parliament should be seriously entertained any where, his right honourable friend would unquestionably do what the right honourable gentleman over against him would most certainly do in a similar case, he would resign.

Mr. Fox said, that this could not be pressed upon the committee as a reason that should induce them to give up the address. He had not a doubt but the right honourable gentleman would act properly and spiritedly on the occasion; but what compensation would his resignation be to the public, for the evils which a dissolution would bring upon them? There was not a moment to be lost; the delay of a day might be attended with the most serious consequences; and therefore he hoped that a very short adjournment, if any at all, would take place. The gentlemen who had sacrificed their domestic enjoyments at this season of the year to their regard for the constitution, he hoped would complete the great work they had so well begun.

It was at length resolved, without a division, that the address, as proposed by Mr. Erskine, should be presented to the king by the whole House.

December 24.

The House of Commons went up to St. James's, and his majesty being seated on the throne, the Speaker presented their address, to which his majesty returned the following answer:

"Gentlemen, It has been my constant object to employ the authority entrusted to me by the constitution, to its true and only end, the good of my people; and I am always happy in concurring with the wishes and opinions of my faithful commons. I agree with you in thinking that the support of the public credit and revenue must demand your most earnest and vigilant care. The state of the East Indies is also an object of as much delicacy and importance

as can exercise the wisdom and justice of parliament. I trust you will proceed in those considerations with all convenient speed, after such an adjournment as the present circumstances may seem to require; and I assure you I shall not interrupt your meeting by any exercise of my prerogative, either of prorogation or dissolution."

The Speaker having read the said answer to the House,

Mr. Fox said, that though by his majesty's answer to the address, the House had assurance that they should not be prevented from meeting again by either a prorogation or dissolution of parliament, still the assurance went no farther than the meeting after the recess. His majesty's present ministers had been, it seemed, driven from their intention to dissolve the parliament; none of them had been found daring enough to advise his majesty to take so desperate a step; but how soon after the next meeting they might venture so to do, he could not foresee; they were resolved however to prevent the House as long as they could from proceeding to business; for by moving writs at present, they would make such a number of vacancies in it, that would furnish themselves with an argument against proceeding early to business; for they would have it in their power to say, that it would not be decent to proceed during the absence of so many persons as had been sent to an election. The state of the country, however, would not admit of a long recess, for as the present ministers could not stand long, (and indeed to talk of the stability and permanency of their government would only be to laugh at and insult them,) it would be necessary to move for another set of writs after the holidays in the room of those who, on the formation of another ministry, should vacate their seats. Therefore, in order to prevent the calamities that were likely to befal the country and threaten the constitution, he would propose that the recess should be as short as possible; he thought it could not well be for less than a fortnight, and therefore he was of opinion that the House should adjourn first to Friday, when he understood it would be necessary to meet again for the purpose of moving some writs, and then to the 8th of January. It might be said, that knowing as he did that the ministry could not stand long, this was shewing himself impatient to be restored to office: he did not know that he should make one of the next administration, but he confessed that he was impatient that the sense of that House might be soon taken on the present ministers; that they might soon learn, either that they had the confidence of the House, without which no ministry could last, or that they had not; this was highly necessary to the public good, and therefore the sooner the people should have a stable government, let it be composed of whom it might, the better. He

talked of the weakness of young men in accepting offices under the present circumstances of affairs, and he mentioned their youth as the only possible excuse for their rashness. However, as they came in the avowed champions of the House of Lords against the sense of the House of Commons, it would be necessary to proceed as early as possible in the business on which the committee on the state of the nation was to sit, and to take such steps as should be thought prudent and salutary, to guard against the evils that might be apprehended from the secret influence to which the new ministers were not ashamed to owe their own situations. They did not seem to understand a pretty broad hint from that House, how improper it would be for them to come into power; it would, perhaps, require a broader one to convince them of the necessity of retiring, and therefore it might be proper to come to some pointed resolution after the holidays, in order to secure the House against a dissolution; he was of opinion, therefore, that they ought not to adjourn beyond the 8th of January.

The House then went into the committee on the state of the nation. Upon the motion of Lord Beauchamp, the chairman was directed to move the House, and it was resolved accordingly, "That the commissioners of the treasury ought not to give their consent to the acceptance of any bills drawn, or to be drawn from India, until it shall be made to appear to this House, that sufficient means can be provided for the payment of the same, when they respectively fall due, by a regular application of the clear effects of the company, after discharging in their regular course the customs and other sums due to the public, and the current demands upon the company, or until this House shall otherwise direct." It was next resolved, on the motion of the Earl of Surrey, "That an address be presented to his majesty, that he will be graciously pleased not to grant the offices of chancellor of the duchy of Lancaster, for any other term than during pleasure, before the 20th of January next." After these motions had passed Mr. Fox said, that he would not press the adjournment to the 8th, but would move that the committee do sit again on the 12th of January next.

Mr. Fox's Motion for resuming the Committee on the State of the Nation.

January 12. 1784.

THE expectation of the public was now fixed with great anxiety on the meeting of parliament after the recess. A contest between the executive government and the House of Commons was a

spectacle, that, since the accession of the present family to the throne, had not been exhibited in this kingdom; and many circumstances concurred to render the present peculiarly interesting and important. The matter in dispute was of the very essentials of the constitution, and could not be decided without considerably affecting its bias. In defence of the authority of the House of Commons, were ranged the united abilities of two powerful parties, long exercised by mutual contests in all the arts of political warfare. The champion of prerogative, was a person not less distinguished by his splendid talents, and the unexampled rapidity of his rise to power, than by the courage and perseverance he had already demonstrated in the cause he now stood foremost to support. By the natural effects of ministerial influence upon the House of Commons, a sufficient number of members joined the new administration, to make their amount nearly equal in point of votes to those in opposition. The inferiority, both in this and some other respects, under which the minister laboured, was perhaps more than balanced by his being obliged to act on the defensive only; a situation of infinite advantage, when combined with the power to chuse his own moment of shifting the scene of battle, by an appeal to the people. It was reasonably to be expected, that they would range themselves on that side with which their own weight and importance in the state was necessarily connected; and the only hopes he could entertain of drawing them from their natural interest was, by exciting a jealousy of the designs, and of the dangerous strength and power of his adversaries. This had been done with extraordinary, and almost incredible industry, and with a success still more extraordinary. Every advantage, therefore, gained by Opposition, every point they carried, became a fresh cause of suspicion to the people; and the minister, by a judicious choice of his ground, had always the chance of putting his adversaries in the wrong, in their attacks upon him.

In this state of things, both Houses met on the 12th of January 1784. As soon as the Speaker had taken the chair, Mr. Fox, in order to get possession of the House, and to prevent any other business from being brought forward by the minister, before certain resolutions that had been prepared, were discussed in the committee of the state of the nation, moved for the order of the day. He was here interrupted by the new members who were brought up to be sworn; and as soon as that business was over, the chancellor of the exchequer rose at the same moment with Mr. Fox, declaring he had a message to deliver from the king. A great clamour immediately arose in the House, who should be heard first; which was at length ended, by the Speaker's deciding in favour of Mr. Fox. The question, whether the House should resolve itself into a committee on the state of the nation, was then debated. The grounds on which this was opposed by the minister and his friends, were the violent and unprecedented measures adopted by the committee on a former occasion, and the little probability that appeared, from the present temper of the House, that their proceedings would in future be conducted with less violence and passion. As parliament stood pledged, as well from the duty they owed their country, as by their own so-

lemn declarations, to direct their attention without delay to the affairs of the East India Company, Mr. Pitt implored the House to postpone, at least for a short time, the introduction of measures, that might retard or throw any difficulties in the way of this important consideration. He said, he was then ready to bring forward his plan for the better regulation of the company's affairs; that he challenged a comparison between his, and the bill lately rejected by the lords; and that he desired to stand or fall by the merits or demerits of the measures he should propose. In answer to these arguments,

Mr. Fox, rose and said:—It is, Sir, without much propriety that the right honourable gentleman deprecates harsh terms and censure upon ministers, when he has so long and with so much asperity attacked those who now sit on this side the House. It is rather unjust and partial in him to deprecate that in others which he has so profusely practised himself; but he may be assured that I shall not deal much in asperity and crimination. I shall endeavour to discharge my duty whether I am here, or at the other side of the House with perfect candour and fairness. I wish not to give any delay to the India business. It is the duty of the House to go into the discussion of it without loss of time, and I wish them to go to it as soon as it is possible for them to go to it with any probability of success. To do that, we must go to it with freedom, we must go to it unembarrassed, and that I aver we cannot do, while the danger of a dissolution of parliament hangs over our heads. That we are under this danger, is clear from the whole of the conduct of ministers since they came into office. The answer of the throne to the address clearly speaks this language to the House: "If you dare to assert an opinion of your own, nay if you do not without any argument or reason change your sentiment on this ground, you shall be dissolved; but if you do change your opinion, if you do support the ministers of the day you may live—Long life and prosperity to the present parliament!"

The right honourable gentleman had called himself the minister of the crown, and never, perhaps, was a name given with more propriety, for he was the minister of the crown,—at least he was not the minister of the House of Commons. If he was not the minister of the crown or rather of the advisers of the crown, he was not the minister of the country. But it was said—what—would you interfere with the prerogative of the crown? It is the prerogative of the crown to dissolve the parliament. Now, it had been denied by many great lawyers that there was a prerogative of the crown to dissolve the parliament during a session, and while business and petitions were pending. Of this, however, he was certain, that there had not been

an instance since the Revolution, of any such exercise of the prerogative, if it did exist. Amidst all the contentions of party since that glorious period, the parliament had never been dissolved during the business of a session. In the reigns of the miserable family of the Stuarts this sort of violence was not uncommon. Charles I. had done it; Charles II. had done it; James II. had done it; and it was remembered,—he hoped engraven on the minds of Englishmen,—that when this violent measure was last perpetrated, which was as he said by James II. that monarch had not been allowed to meet another. He dissolved one parliament in the middle of a session, and it put a period to his violations of the constitution and to his reign. Great authorities, as he had said, had declared it as their opinion, that the crown did not possess this prerogative. Lord Somers, for instance, in a pamphlet which he published, asserted the doctrine; and he quoted Lord Somers, because he was said to be the type of him who now held the seals. To be sure, there were points in which the resemblance was peculiarly striking. In some, however, it failed, as in the particular of his succeeding to the seals after they had been held by a jobbing commission. This was an imputation which the rankest enemies of the late commissioners could not alledge against them, as was another to which the first commission was subject, that delay had been grievous to the suitors. This was an imputation which would not be brought against the late commissioners, whose regularity, alacrity, judgment and fairness, had been the subject of universal praise. Whether it might not be ascribed to others more pompously held forth as the patterns of Lord Somers, he could not say. But the present holder of the seals was like this great character, for Lord Somers was remarkable for the affability, the mildness, the politeness of his manners; he was all gentleness and condescension; active and indefatigable in the performance of his duties; burning with the love of liberty, and zealous in the cause of the people. These, undoubtedly, were the peculiar characteristics of the present holder of the seals; and he, no doubt, imitating the great example of his archetype, equally inflamed with the sacred enthusiasm of liberty, would stand up and declare, that it was not consistent with the king's prerogative to dissolve the parliament during the sitting of a session. Lord Somers supported this opinion on the act of King Richard II. Mr. Fox said he could not go with him that length: he was not lawyer enough to enter on the subject; but he did think that the necessity must be great indeed, which could justify the advisers of the crown in a measure so violent and alarming as that at the best must be.

It was for the purpose of moving a very necessary and pro-

per resolution to guard themselves against this danger, that he was anxious to go into the committee: but, says the honourable gentleman, it is not right to disturb government; we ought not to have opposition, "*delirant reges, plectuntur Achivi;*" if he might be permitted to give the political, instead of the direct and classical meaning of this text of Horace, he should say it was that the ministers of the king go mad, and the people suffer for it. He had no wish to make the situation of ministers unpleasant to them; but he desired at the same time that their own situation should be secure. He desired that they might go into the committee to make it impracticable for ministers to dissolve the parliament. He knew that this had been thrown out as the design of ministers, to intimidate the House, that they meant to do this. How had their implicit panegyrist said, if there was not a majority they would go down again to the people; they would appeal to the people; and they stood better with the people than their opponents, — a story of which he did not believe one word. He fancied that this measure might depend on the issue of the question of that day, — he believed that if ministers found the House of Commons firm in their integrity, — that they were not to be shaken by any, or by all the temptations which were held out, then he would be bound to say there would be no dissolution, for they would not venture to meet the consequence of a House of Commons rendered so vigorous by honesty and determination: but if they found them waver, if they found them timorous and unsettled, or corrupt and tractable, dispositions which he did not believe the present House of Commons would ever be found in, then the parliament would be dissolved; for though they might gain a particular question, they would not think themselves sufficiently fortified without a dissolution: and if they went down again to the people, he assured the House, they would depend more on certain advantages in certain marketable boroughs, than on the opinion of the people.

But why not suffer the right honourable gentleman to move for his bill first, and go into the committee on the state of the nation afterwards? For the clearest of all possible reasons. Because, if they were suffered to pursue this course, they feel the pulse of the House, and finding it is disagreeable to them, the next day dissolve the parliament; whereas by going into the committee, steps might be taken to guard against a measure so inimical to the true interests of the country.

The bill to be brought in by the right honourable gentleman, if he might argue from the resolutions, and ideas thrown out in the public newspapers, was, in his mind, subject to infinitely more reprobation than the bill lately thrown out. It

arrogated more influence, and it was an influence more dangerous because less open and avowed. It was a secret, in opposition to a public, responsible influence. The bill infringed on all the chartered rights of the company, for the menaced violation of which he had been so loudly censured. It gave to the ministers all the patronage of his scheme, but it perpetuated the abuses which his bill intended to remove. With every imputation of violence it had not the merit of efficacy, for it went to the establishment of a distracted government, the disunion of which would be its weakness. It followed Mr. Dundas's bill in the creation of a third secretary of state, and it did very little more than renew the bill of 1780. It possessed all that was objected to in the late bill, without containing any of that matter which was commended. It was to give an addition of patronage without energy, and of government without unity; it was impossible, in his mind, that the House of Commons could agree to this bill, or to any such bill, and he had too high an opinion of them to believe that it would ever be carried into effect.

It was said, that he had got possession of the House by management, and that it was unfair; he conceived it to be the contrary. This day was appointed for going into the committee on the state of the nation, and in order to prevent confusion, in order that it might not be made merely what it had been called, a question of strength, he had come down early to move for the order of the day, that the House might come regularly to a question which he intended to move in the committee.

But if the present ministers were disagreeable, why, it was said, not move for their dismission? He did not think this was the precise way; he thought it was more advisable to give the most decided disapprobation of the principles upon which they came into place; and that they had done. They had declared those principles to be unconstitutional, and that they had come in on terms as disgraceful to themselves, as they were alarming to the country. An honourable gentleman had rejoiced in his absence before the recess, and indeed it was favourable to his repose that he was so; for thinking as he did of ministers, wishing them well, and meaning to support them, it must have been grating to him to have observed the low and shameful means by which they got into office; he had wished that the late bill had been thrown out by any other branch of the legislature; this was really ingenious; he never heard an obscurity more oratorically argued; but it was this to which he in particular objected: it was thrown out ostensibly by the House of Lords; but actually by the secret influence of the crown. It was by means of secret influence unconstitutionally exerted that this had been accomplished.

But it was said, what evidence have you of this besides that of rumour? To this he would say, that he had rumours so strong, so substantiated, that it was impossible to withhold credit from them. In every corner they met one. He and his noble friends were ministers at that time, and they had no authority to contradict the rumour. Those men who were the authors, or given out as the authors of the rumours, were in that House, or there were persons nearly connected with them there,, and they did not when called upon come forward to contradict the story. All this was pretty strong evidence that the rumour was true. But, to be sure, it was below the dignity of some men to attend to rumours, or to contradict them; yet it was to be remembered that the House upon that rumour had addressed the throne.

"But it was no new thing for men not in office to give his majesty advice." Perhaps not; but it was a new thing for men having given such advice to come forward, and use the royal name to influence votes. "Oh, but this is nothing," say they, "if they avow their advice." To this he answered, that it was something very material; for when any others than those who were by their office and duty responsible, advised the king, their acknowledgment depended on their precarious magnanimity, a dependence which the constitution would not respect.

An honourable gentleman (Mr. Powys) had talked of his inordinate ambition. He confessed he was ambitious; but if his ambition was inordinate, who, after a pretty long parliamentary attention, aspired only to the second place, what must the quality of the present minister's ambition be, who aspired to the first place, and who disdained subordination? The honourable gentleman rejoiced, he said, that he saw none of those in the cabinet who brought on the American war. He supposed he meant that he saw none of those in the House, for it so happened, that the chancellor of the exchequer was the only minister in that House, and he certainly was free from the American war; but the honourable gentleman must see with strange eyes indeed, if he saw no members in the present cabinet who contributed to the loss of America. His eyes at least were different, for he could see several who were most deeply involved in it.

But the honourable gentleman still wished for more coalitions. It had always been his idea, that there were, in cases of political variance and objection, but two means to be used. The one was, in case of delinquency, to inflict public censure, and where that was not pursued, public oblivion. This had been his motive in coalescing with the noble lord; but in so doing he had lost the good opinion of the honourable gentleman; a

matter very dear to him. He had many great friends, however, who agreeing with him in his idea, had their sentiments on other topics, and who might say to him, "What, would you listen to the invitation of this honourable gentleman, and coalesce with men who support secret influence? Would you coalesce with men who disdain to stand on the influence of good opinion, on the sentiments of the people, on the confidence of parliament? Would you forget all the doctrines in which you have been bred? Would you creep into office by the back stairs, which you so loudly, and, as we think, so justly reprobate? Or, to take these men with whom you are invited to join, even on their best plea; would you make part of an administration which stands on the House of Lords, in preference to the House of Commons? You who have constantly reprobated the principle of secret influence; you who have always declared that you could only pay respect to, or take a share in, that government which flowed from the opinion of the many, and not from the personal favour of the advising few; would you so far forget the habits in which you have been bred, as at last to coalesce with those who have become the instruments of this accursed, abhorred secret influence? We cannot believe you to be capable of such atrocious apostacy from all principle." This he imagined would be their language, and he thought, though he might not go so far himself, they would be perfectly justified in this address to him. He was one of those who imagined that nothing was so injurious as that men should conceive perpetual enmities to one another, because they had been hostile in debate. This he knew was the principle propagated by the secret advisers of the crown, because there was nothing which they hated so much as confidence and connection. To destroy connection, and to prevent it; to separate those who were joined, and to keep those asunder who had accidentally differed, was their great object; for it was only by dividing men that they could expect to prevail.

But, says the honourable gentleman, the minister is not inordinately ambitious; for last year, in less embarrassing circumstances than the present, he refused to become the minister. It was difficult to say why, having refused last year, he had accepted of a worse thing this. It could only be reconciled on the principle, that a man having refused a good thing, felt such regret that he dashed into the first bad thing that offered. Perhaps he refused to come in last year, because then the principle would have been equivocal. He came in now, because in doing so he published a manifesto exposing the principles on which he acted.

It was said to be a "trial of strength." It was no trial of strength between the present ministers and those on his side

of the House. If it was a trial of strength, it was whether this country was in future to be governed by a ministry supported by that House, or by the secret advisers of the crown? This was the question at issue, and he trusted it would be very soon decided.

In regard to the prerogatives of the crown, if from the little that he had read he might be allowed to state an opinion, those who had read more, and spent their lives better, might be able to correct him; but it was his idea, that the rights of the crown, as well as the rights of parliament, were not always to be exercised, merely because they were rights. For instance, it was the privilege of the House of Commons to refuse supplies to the crown, and nobody would dispute it; but it was like many of the prerogatives of the crown, a privilege which could not be put into practice without much confusion; for who was to suffer? The supplies were granted to the king first undoubtedly; but they came to the people at last, and they must suffer if they did not come. It was so with the prerogative of dissolving the parliament during a session; it was so with the right of the crown to appoint ministers not possessing the confidence of the people. The theory of our constitution consisted in checks, in oppositions; in one part of our legislature bearing up against and controlling another; but it was the practice of good men to moderate the temper of the constitution, and in this practice a happy medium had been hit on at the glorious æra of the Revolution, temperate and accommodating, the good effects of which we had experienced for near a century; this was the road which many men, now on the opposite side of the House to him, had set out in. He recalled to their memory the case of Lord Carteret and Mr. Pelham, where the first, a man of more ability than the last, was supported by the secret advisers of the crown; but the Commons properly addressed the crown to state that he only could be a minister with effect who had the confidence of the people. Would the Earl of Chatham have been brought into the closet of the king? Would he have meanly condescended to join with secret advisers, and have been made the dupe of a wretched junto? How was he treated by that junto? The moment he became formidable he was attacked; but, by his manly determination, he overcame the secret influence, and the king lived to rejoice that he had conquered his prejudices. When it depended on secret influence, the government never could be lasting, for it was the nature of jealousy to be capricious. One would imagine that we could not be jealous of that person whom we ought only to despise, and that on this principle the present cabinet would be safe; for

it was composed of men who were in general of that description which folly itself could not be jealous of; but even they would not escape; by and by they would be suspected in their turn, and whenever they were established they would be dethroned. But the present minister and his runners, boasted that he had the complete power, and was enabled to offer peerages and every thing which the crown was entrusted by the constitution to bestow. Why had not we the favour, says he? Because we had the misfortune to have the confidence of the House of Commons. Why have the present ministers got it? Because they do not enjoy the confidence of this House. Would any man believe, that the Earl of Chatham was personally disagreeable? Surely not; it was because he had the good opinion of his country. They now paid his son a bad compliment, for they took him up because they believed him to be unsupported. By and by, he hoped he would become as just an object of jealousy as his great father was, and he trusted he would then act as he did. Party was vulgarly said to be the madness of many for the advantage of a few; but this was the advantage of it; that it gave stability to system, and therefore he had always been a party man. The secret advisers hate parties, not leaders. The question was not who shall be the leader, but on what principles they shall lead. It was a question therefore that differed from all other party questions; for it was a question of all parties against these secret advisers — between the House and a dark junto. He called on them therefore to go into the committee on the state of the nation, that they might prevent their dissolution; that they might not let the fears of death perplex their fancy; and when they had come to a resolution which would effectuate this, they might then enter on the India bill with security and spirit. — "But nothing had yet happened to make the dissolution of the parliament necessary." No! What did that signify? What, but that something might happen, which might render it necessary. Let us, said Mr. Fox, go into the committee and render it impossible. Let us preserve the beauty of our constitution; of that happy practicable equilibrium which has all the efficacy of monarchy, and all the liberty of republicanism, moderating the despotism of the one, and the licentiousness of the other; that which was in theory proved to be fallacious, but which has been since the Revolution, so pure as well as so effectual. This was his object, and he called upon the House to accompany him to the committee.

After a warm debate, the House, at half past two in the morning, divided on Mr. Fox's motion, that the orders of the day be now read:

	Tellers.			*Tellers.*	
YEAS	Lord Maitland Mr. Byng	232.	NOES	Mr. Steele Mr. R. Smith	193.

So it was resolved in the affirmative.

As soon as the preceding debate was over, the House, at nearly three in the morning, resolved itself into a committee on the state of the nation; in which Mr. Fox moved, "That it is the opinion of this committee, that for any person or persons in his majesty's treasury, or in the exchequer, or in the bank of England, or for any person or persons whatsoever, employed in the payment of public money, to pay, or direct or cause to be paid, any sum or sums of money, for or towards the support of services voted in the present session of parliament, after the parliament shall have prorogued or dissolved, if it be prorogued or dissolved before any act of parliament shall have passed appropriating the supplies to such services, will be a high crime and misdemeanor, a daring breach of a public trust, derogatory to the fundamental privileges of parliament, and subversive of the constitution of this country." Also, "That it is the opinion of this committee, that the chairman of the committee be directed to move the House, that the bill for punishing mutiny and desertion, and for the better payment of the army and their quarters, be read a second time on Monday the 23d day of February next." The said resolutions being reported, were agreed to by the House.

The immediate dissolution of parliament being thus far rendered impracticable, two resolutions, of a more direct and hostile nature, were moved by the Earl of Surrey. The first was in the following terms; "That in the present situation of his majesty's dominions, it was peculiarly necessary that there should be an administration which had the confidence of that House and the public." It was objected to this resolution, that the name of his majesty had been, perhaps accidentally, certainly very improperly omitted; and it was proposed by Mr. Dundas to amend the motion, by inserting instead of the words "This House and the public," the following "The crown, the parliament, and the people." As this amendment was merely proposed for the purpose of pointing out the factious spirit of the resolution, it was rejected without a division. The second resolution moved by Lord Surrey, was to the following purport; "That the late changes in his majesty's councils had been immediately preceded by dangerous and universal reports, that the sacred name of the king had been unconstitutionally used to affect the deliberations of parliament; and that the appointments made were accompanied by circumstances new and extraordinary, and such as did not conciliate or engage the confidence of that House." The fact principally insisted upon as the ground of this resolution, was the rumour respecting the communication made from the king to several peers, touching the India bill through Earl Temple. A warm debate took place upon this motion, in which the most pointed personalities were cast and

retorted from both sides of the House. The coalition was branded as a corrupt confederacy of two desperate factions, to seize upon the government of the country; and the India bill was represented to have been an experiment made by the late secretary of state, with a view, if not to place the crown on his own head, at least to raise himself to a degree of power superior to that of the sovereign. On the other hand, the party composing the new administration was described as a coalition, not indeed of parties, but of the shreds and remnants, of the dregs and outcasts of parties; as a body collected for the purpose of fighting the battles of secret and unconstitutional influence, of trampling on the power and dignity of the House of Commons, and of establishing a government of cabal, intrigue, and favouritism, and of destroying the very principles of laudable ambition and honourable service in the state. At length, about seven o'clock in the morning, the committee divided, for the motion 196, against it 54.

MR. PITT'S EAST INDIA BILL.

January 14.

THIS day Mr. Pitt moved for leave to bring in a bill "For the better government and management of the affairs of the East India company." His scheme proposed the appointment of commissioners by his majesty, from the members of his privy council, who should be authorised and empowered from time to time to check, superintend, and control, all acts, operations, and concerns, which related to the civil or military government, or revenues, of the territorial possessions. Two members of the said board should be the chancellor of the exchequer and the secretary for the home department; the board should have access to all the papers of the company; and the court of directors should deliver to the board copies of all the proceedings of both courts of directors and proprietors; copies of all dispatches received from the company's servants in India, and the instructions sent and proposed to be sent to India, relating to the civil or military government, or revenues of the British territorial possessions. The court of directors should pay due obedience to the orders of the board, respecting civil and military government and revenue; the board, in a limited time, were to return the copies which were received, with their approbation, or disapprobation, of the proceedings communicated; or proposing amendments if they found them unsatisfactory. The board was fully to state their reasons, and also their farther instructions, to be sent to India without delay. Should the directors conceive any of the orders of the board to be extra-official, in not relating to the civil, military, and financial government of India, to which the bill was limited, they should apply, by petition, to his majesty in council, concerning such injunctions;

and the decision of the council thereon should be final and conclusive. The nomination of the commander in chief should be vested in his majesty, and that officer should always be second in council. The king should also have the power of removing any governor-general, president, and members of the councils of any British settlements in India; all vacancies in their offices should be supplied, subject to his majesty's disapprobation, that might be repeated until one was chosen whom he should approve. No order or resolution of any general court of proprietors should have power to revoke or rescind, or affect any proceeding of the court of directors, after his majesty's pleasure should have been signified upon the same. Such were the outlines of Mr. Pitt's scheme for the government of India. A great and leading difference between this project and the plan of Mr. Fox, recently rejected by the lords, was that the former left the charter untouched, and the commercial concerns of this corporation of merchants under the sole management of the proprietors themselves and the directors of their choice. By the former bill, the entire transfer of the company's affairs to commissioners nominated in parliament, and the permanent duration of their authority for a term of four years, had occasioned great alarm, as creating a new power dangerous to the constitution. The object of the present bill was merely control. In supporting his own proposition, Mr. Pitt expressed his high admiration of that part of Mr. Fox's scheme which respected the zemindars, but he disapproved general indiscriminate confiscation. He proposed, therefore, that an enquiry should be instituted for the purpose of restoring such as had been irregularly and unjustly deprived, and that they should be secured against violence in future. These last provisions were not included in the bill which he had prepared for the consideration of the House, but they formed a part of his general ideas for the reformation of India.—Mr. Dundas having seconded Mr. Pitt's motion for leave to bring in the bill,

Mr. Fox rose. He said he wished to meet the right honourable gentleman's ideas, as it would certainly be expected, with all the fairness and with all the attention in his power; and he had too much regard for the honour of the House, and for the public satisfaction, not to do every thing for bringing in the bill or bills which had then been moved: but sure he was, it would soon be obvious in what light the present proposition must be viewed by the dispassionate and impartial. Is it, said he, less or more than the wisdom of an individual, however exalted in situation, however distinguished by ability, however flattered by partizans, or however confident of his own unrivalled talents, opposed to the collective wisdom of this House, of the commons of England in parliament assembled? I trust the propositions will be considered exclusively in this light, and the fate of them pronounced accordingly.

Much has the right honourable gentleman struggled to fix a comparison between this measure and the one adopted by his predecessors before the holidays; and, indeed, in whatever he may think these two bills alike, they are, and in my mind they will appear to the world, essentially distinct. The single feature common to both is the object to which they both relate: the one leading substantially, effectually, and permanently, to a regulation of the entire system of Asiatic management; the other partially, imperfectly, and superficially. Were I to give a schoolboy an exercise how he might most effectually involve the affairs of the East India company, is it possible for the invention of man to have hit on an expedient so likely to answer that purpose? What task could be better performed than such a task as the right honourable gentleman has now assumed, and in this mature and polished state submitted to the consideration of the House? Every degree of confusion and distraction which can be supposed, is not merely unprovided against, but actually provided for in the bill now proposed. What were the regulations or establishments required by the wishes of this House and of the country? Were they not, humanity to the natives of that extensive territory, which has been wrested from its original owners; safety to the whole proprietary of the greatest trading company in the world; the justice, equity, and liberality of the English law to all who participate of the English government; a restraint put on iniquitous contracts and gross peculation of every sort; a system of responsibility and obedience, that master and servant, in this strange and absurd system, might continue no longer synonimous or convertible terms? These things are necessary to the welfare of the company and of this country: but what one of them is secured by this bill? Does it not insult the reflection of every wise man who has at all considered the subject? Does it not make a mock of that necessity which this House has pronounced to be urgent and unavoidable? Does it not disappoint the expectations of the public, who have long been clamorous for a reform in a particular with which they deem their own honour and reputation singularly connected?

The right honourable gentleman sets out with his board of superintendants, and endeavours to state a contrast between those of his appointing, and those who received an appointment from this House; but I beg leave to tell him that they are totally different. Need I point out that difference to this House? The influence so new, so unprecedented, so perfectly unknown to the constitution, on which he triumphed, and still triumphs so much in having detected, is no other than has been authorised by several acts of par-

liament for years. What is the power of the directors? Is that constitutional? Will any man say that their power ever interfered with that of the crown? And is not this the identical power which his majesty's ministers and this House would have transferred to a new board?

I do not know whether I heard the right honourable gentleman perfectly or not; but I am sure I did not understand him. The constitution at least of this extraordinary system struck me as peculiarly absurd. He foresaw an appeal might be sometimes unavoidable; and where is it lodged, but in one of themselves; in a party concerned; in one who cannot, in the eye of the law of this country, act fairly, because acting under all the pressure of every person interested in the issue of the plea. Legislatures have never appeared so ridiculous as in forming laws which make no allowance for the imperfections of human nature; for that which affects the decisions of a man's mind in one case will certainly affect them in another; and wherever the public good is connected with his conduct, his agency ought to be as free from temptation, and consequently as little liable to abuse, as possible. How, then, are decisions on the affairs of the East India company to take place where those affairs appear in any case involved? What impartiality can be expected from persons who, if they act at all, are subjected to act on a very interested plan?

A very great parade is made about the consent of the company. I will acknowledge that the bill I had the honour to carry through this House, violated the company's charter to a certain degree. The Stuarts thought themselves long possessed of an hereditary claim to the crown and sovereignty of these realms. They lived, they acted, and they died in this conviction. It was found, however, by the investigation of mankind, that all this was mere usurpation, and originated in violence, or some less honourable principle. The glorious Revolution undeceived the world on the subject, and by substantiating the real meaning of the royal tenure, held up this important lesson to the world, that those charters which any one part of the community enjoys by consent of the whole, can only be valid so long as it consists with the good of the whole, and no longer. When, therefore, we consider how much the public were sufferers, what obloquy the country derived, how generally and sincerely the name of an Englishman was execrated by the consequences which resulted from the abuse of these charters, to have connived at them would have been to have made this government, this House, this country, the guarantees of every [illegible] and species of venality and extortion, which fasten an eternal

stigma on those who acted so dishonourable a part. The grand object, therefore, of those who proposed that bill, as an adequate remedy for the infinite and palpable mischiefs, was to establish some practicable and substantial redress for a grievance peculiarly felt by the natives of India; but at the same time not a little affecting every one who wishes well to the present situation of this country.

The right honourable gentleman piques himself much in not having violated the charters, in having procured a surrender of what it was alleged others had violated, in having obtained the consent of the company. But let gentlemen be on their guard against this specious assertion. Will ever this House, will ever the public at large consider the concurrence of two hundred and fifty, as the deed of a company which at least consists of fourteen hundred? How this was gained is not easily reconcileable with fair and equitable conduct. But be that as it will, there certainly is no great foundation for triumph on the occasion. At least, if the charters were violated in the one case, they were equally so in the other; and with this specific difference, that by the first the property in all respects is not only secured to the company, but receives such a security, as is evidently an advantage; whereas in the bill now proposed, the violation strips them of what is theirs, not less materially, without affording them any recompence whatever.

Much has been said concerning the control which is established in this board; and the responsibility of the ministers for the time being, is the only security which the public has for the exercise of all their power. But are these two powers to operate? The decisions of this very strange board are therefore, like all other acts of administration, accountable to parliament. How? Why; should they presume to go such lengths, as may in any degree thwart the inclination of the crown, the minister, or any secret adviser, their existence is from that moment determined, and they are without farther ceremony or deliberation dismissed. Is it natural for men in such a situation as this to exert their talents independently, to propose any radical establishment or effectual redress? No; they know to whom they owe their situation, and, in proportion as they value themselves upon it, must accommodate their principles and operations to that will on which they depend. Was any thing like this imputable to the measure which preceded the present one? No attempt, I trust, will ever be made in this to lessen the regard I have for the noble Earl Fitzwilliam. I mean no affront to any gentleman, or to state any comparison; but surely I shall

not be told that this illustrious nobleman was in the least degree to be influenced by any minister whatever.

Will the right honourable gentleman, will the public, or will any description of men, however interested, deem their interest more secure, their affairs less liable to mismanagement, or their patronage less obnoxious to jobbing and caprice by the learned gentleman who may be secretary for that department, than by those gentlemen whom I had the honour to nominate to the board of direction in the bill which preceded this? Who are the most likely to be guided by the partialities, or little mercenary motives of private interest or private connection; one man, however able, honourable, or respectable, or a body of men, all equally eminent for their amiable and excellent qualities?

The patronage of such a territory and so much revenue must be considerable, and attended with infinite influence wherever it is placed. How was this disposed of by the bill which this House adopted, but which the other rejected? Why, the power of appointing all orders of men in the system of operation or new establishment thus proposed lay in the seven chief directors, to whom all the trust of the company was committed, and in whom every post, civil, commercial, or military originated. These commissioners or directors were to reside at home; for what reason? That they might not only be under the control, but under the inspection of this House. No very pernicious abuse could then prosper or be indulged for any length of time. Complaints might be investigated almost as soon as uttered, and redressed before they could become very grievous.

But how does this matter stand by the new bill? The government of India, after undergoing, to be sure, a most thorough reformation, is still to remain as distant from Britain as ever. The governor-general is to have the same powers of interior regulation as he had before. Does not the very aspect of the system, as thus exhibited, bear a most promising encouragement to all the various modes of intrigue, peculation, and outrage, which have been heretofore in use in that most miserable corner of the globe? Will succession and regular gradation be easily established in all the various lines of conduct, in which it has been so long the habit of the place to act without regard to order or merit? Is is likely that these abuses will be avoided at a distance which renders discipline impracticable? How, on such a Quixote-system as this, is a governor-general to be recalled? It is true, a principle for this purpose is provided, but in such a manner, as, in my opinion, is an effectual bar to its operation. For the plan proposed, and that of the present administration, is in nothing

more compatible than in the mode of their acting. Something like secret influence seems to pervade both the one and the other. The moment a governor-general is sent out, it may be expedient and advisable to supersede him, even before he is fairly settled in his government. But though this were not the case, how is he certain of being admitted to act, when he arrives, in the high capacity to which he is appointed? Do not all the officers of state, whether political or military, depend on the governor-general? Will they not regard him therefore, as one, in whose official existence they are peculiarly interested? Will they not, should he chuse to be refractory, strengthen his principles of disobedience? Will not all the sentiments of gratitude and inclination be on the side of giving a negative to the orders from home, as has always been the case? The governor-general for the time being would be more than man, let him be Mr. Hastings, or whoever else it may be, to withstand such potent temptation. But, surrounded and fortified by a great variety of individuals in every department of life, who owe their all to him, established in all probability on a system of his own creation, and possessed of infinite projects which he might think advantageous, it is not the orders of a few men, empowered in but a limited measure, that will affect him. Such a man, an authority adequate to the object could only remove. This is no idle speculation. The history of the company renders it explicit. The experiment of the bill in question has been made, and left such effects on the minds of the people in this country, as must undoubtedly convince them of its inutility and absurdity. Besides, who has not heard of the complaints which have been made of irregular preferment, especially in the military line, but also in the political? We know all advancements arise from what are called cadets and writers. These ever have been sent out from this country in vast abundance; and on the system now agitated that superfluity of persons which can be of no use at home may still be transported abroad. The trade is likely enough to be continued, but with no sort of emolument to the public, though individuals will undoubtedly, as usual, continue to amass fortunes without any dread of punishment or trial, whatever their delinquency may have been. This, as well as every other consideration to which the subject led, was a demonstration, that the system which had produced so much mischief in the affairs of the company was not changed for another, was not even changed for a better, was in fact only patched, and patched in such an aukward and clumsy manner as, in my mind, makes the new, in some degree, worse than the old. For we are now arrived at that time which renders it necessary to be decisive; and without

measures of this description this country will soon be in such a situation as must render all measures ineffectual, unnecessary, or abortive.

The bill adopted by this House went somewhat farther; it proposed a radical change of system in the constitution of the company. It did not place the government of India out of the reach of parliament, by placing it out of the country. It did not render the controlling power ineffectual by placing the patronage in the servants, but in the directors of the company. The consequence was, that a plan of efficiency was established, and provision made for all the exigencies to be expected from a scheme of things so multifarious and involved. Every one in a subordinate situation in that unfortunate country could, by that establishment, look beyond the menaces of a governor-general, and promise themselves redress in spite even of his monstrous influence and powers. The appointments and advancement in all the various departments in the government and commercial establishments of India, being in others than those on the spot, or the immediate executors of the powers with which the original direction were entrusted, would undoubtedly draw along with it the independence of those whose situation arose, not from any artful management there, but from what could be advanced in their favour here. This capital regulation I consider as effecting a perfect violation in the whole system, which has been the occasion and cause of so much mischief. Every India bill short of this must therefore be ineffective, and consequently inadequate to the defects it is intended to remedy.

Where, then, is the abuse of patronage so much deprecated by members on the other side of the House, as unavoidable from the bill I brought in? There is no abuse of that kind whatever, which is not guarded against as much as human sagacity can, as much as the wisdom and foresight of this House could. The whole of this prodigious and invidious trust is lodged with gentlemen of unblemished honour, and independent fortunes, to whom few temptations can be powerful. The consequence is, that the patronage of the company has at least all the chance of this circumstance: and is not this a more rational ground of confidence to the public at large, than any individual whatever? Let us suppose, but for a moment, such a mode of government was realized, it would be placing India on nearly the same footing with that of Ireland. Who does not know how very disagreeable and impracticable the duty of a viceroy of Ireland is, especially under such vicissitudes of administration as have lately characterized this country? Within but a very few years this

fact has been strangely verified by all the various noblemen who had the honour of sustaining that elevated station. Which of them have not found it impossible to act under ministers on whom they had not the completest confidence? Will not this be the case with whoever undertakes the practical part of the executive administration of Indian affairs? Who knows but the same ship which carries out his commission, may also carry out his recall, or at least before he reaches his destination, an edict may either be announced of his incompetency, or a report for the purpose of defeating the very object of his appointment? In that case, what can he do but refuse acting under people whose principles and politics are so palpably different? How, then, is this strange, unsettled habit to affect the policy and the commerce of India? Is not that very thing immediately reduced to a chaos? And how, by such a policy as this, are the many gross impropriety ties and absurdities which have been the subject of complaint for years to be amended? The evils are then without remedy, and must, for all the present provisions, remain so.

Such, Sir, are some of the outlines of the system proposed to this House, in plain and open contradiction to the measure which they have already preferred. What, then, is to be the decision? Can any man be at a loss to divine? Certainly not. The House has already stamped the measure it prefers with its approbation, and cannot adopt another. They are satisfied with their own determination, and will not, on slight or superficial grounds, prefer another. The comparison in the progress of this bill with theirs is unavoidable, and they must in the end adhere to a resolution which arose from the closest and most deliberate discussion.

The bill of this House was strongly reprobated, because it established an influence unknown to the constitution. This I have often combated. It is now time, since all argument is without effect, to try the force of assertion. It is what I utterly deny; and I desire any one to point out in what single particular any part of it will bear this construction. This has often been asked, but none of the gentlemen on the other side of the House have yet deigned to give me an implicit answer. It never, at least, struck me in such a ludicrous light; otherwise I certainly should not so strongly and repeatedly have avowed the contrary. It is, then, brought to a test. Another bill, on very different principles, and possessed of very different functions, is brought forward; and how does it dispose of the influence which has been magnified and enlarged to such an extent, in order to make it the bugbear for a certain purpose? Does it not lodge the whole in the crown?

And who can be at a loss to see the meaning of this admirable device?

The last parliament, to their immortal honour, voted the influence of the crown inconsistent with public liberty. The right honourable gentleman, in consequence of that vote, finds it probably unequal to the great objects of his administration. He is therefore willing to take the present opportunity of making his court where he knows such a doctrine as this never will be acceptable; and the plain language of the whole matter now is, that the patronage of India must be appended to the executive power of this country, which otherwise will not be able to carry on schemes hostile to the constitution in opposition to the House of Commons.

Having thus far tried the relative excellencies of these two bills, it may not be amiss to attend to the distinction which this one affects to set between the commercial and the political interests. But has it separated these two inseparable objects? Does not the institution he states promise only to perpetuate the very seeds of animosity and contention, which such an innovation in the interior of the company's affairs would no doubt engender? And to be sure the mode of settling this matter is not the least curious particular of the whole, and seems calculated only to render ridiculous what is incapable of any other colouring.

I forbear going into the substance of the bill more at large, as undoubtedly that will be more in point when the principle of the measure comes to be disputed. A great variety of particulars incidentally mentioned by the right honourable gentleman, however, are entitled to notice. I am aware how much energy his eloquence derives from the use of particular words, of which he certainly has a very choice selection. Half measures has therefore been marked as the watchword of the party, and undoubtedly it has its use, though not quite so sounding and agreeable to the ear as confiscation, and chartered rights of men, which admirably serve the purpose of filling a period and pleasing the ear. But the first has the advantage of the second in this, that it is true, and the other is not. The history however of half measures is briefly this: last year the right honourable gentleman was rather shy, and refused to accept his present situation, from a very wary apprehension that the House, which had dismissed him from the service of the public, would not support him. All the summer, it is more than probable, the game which had been lately played at St. James's was going on. Private advice and whispering in abundance prevailed at court, in order, if possible, to reduce the consequence of parliament, and get the

ter of that confidence which was the support of ministry, and might still operate to a farther retrenchment of the royal prerogative. The young candidate for office on this account still wished for a more favourable opportunity. He had formed his plot perhaps on this very bill. He therefore at the opening of the session, apprehensive that we might not be forward enough for his particular views, boldly took upon himself the office of goading us on; and then it was that he exclaimed against every species of "palliatives and half measures." But I appeal to the House, if the measure now produced could be entitled to any other appellation, but for the right honourable author of it. Any other person who should have produced such a plan, must, at least, have expected to hear it branded as a mere palliative or half measure. In short, after viewing the propositions of the right honourable gentleman in every point of view, they strike me at least, as I trust they will strike the House, as partial, incomplete, and furnishing the company and the public with only an alleviation instead of a remedy. The system of the minister at present is founded on secret influence, and that system must inevitably terminate in public ruin.

January 16.

Mr. Pitt presented his India bill which was read the first time, and ordered to be printed. He then moved that it be read a second time on Wednesday next; upon which,

Mr. Fox said that as the right honourable gentleman had, in his opening of the business, wished that gentlemen would compare this bill with that which had been thrown out by the Lords, he did imagine that in fixing a day for the second reading, he would have fixed on one sufficiently distant to afford gentlemen time enough to make a comparison. When he brought in the bill which had been thrown out by the Lords, he was accused of having acted with blamable rapidity; and yet he did not move that it should be read a second time sooner than the seventh day after it had been presented: and even then, the right honourable gentleman was pleased to say, that this was shameful precipitation, and called for a longer term: how inconsistent, therefore, must his conduct be on the present occasion, when he would force the House into the consideration of so important a bill as the present? If he wished or expected that the House would give up their former opinion, and turn their backs on their own favourite bill to adopt another, it could not be supposed that this conversion could be wrought by magic: it must be the consequence

of persuasion and conviction that it was a better measure than the former; and this could not be known unless both were compared, which could not be done unless time were allowed for that purpose. He would, therefore, suggest to the right honourable gentleman, whether it would not be more proper to go into the second reading on that day se'nnight than on Wednesday.

After a short conversation, Mr. Fox's proposition was agreed to.

January 23.

The bill was read a second time. On the motion, that it be committed,

Mr. Fox rose with an intention to enter into the intrinsic merits of a bill, on the fate of which depended so many and such various circumstances of magnitude and importance. He wished to consider them dispassionately, and with the deference and candour which they deserved. He hoped no person would suspect him of prejudice on a point of so much interest, and which so materially affected the political concerns of the nation, and the prosperity and happiness of so vast a portion of the human race. This was no object of trivial concern; no question of light discussion; no subject in the investigation of which the spirit of party should mingle.

The evils existing in the administration and government of India might be digested under distinct heads. From the reports of the secret and select committees it appeared, that the company's servants abroad, by a secret influence, corrupted and abused to their purposes the proprietors and directors at home. It was no less evident that there was no energy, or at least no sufficient vigour in the administration of the company's affairs in this country. And it was equally obvious, that there were no remedies for those evils of various descriptions, which were committed by the servants of the company abroad. These, said he, are the grand and leading points of consideration in the digestion of a scheme of reform for India, and which it was my object to correct in the bill which I formed on the subject, and which obtained the approbation and sanction of the House.

Let us now compare the bill under consideration in its various tendencies to correct these evils, and in its different relations to these objects. The bill under consideration, then, by continuing the influence and power of the proprietors and court of directors, by rendering the latter dependent on the former, even for its existence, by avowedly leaving as much

as possible the commerce of the company to its own superintendance, has surely in it no tendency to eradicate these evils, or to emancipate the company from that slavish dependence on its servants abroad, which has deprived it of energy and decision, and rendered it the prostituted object of foreign cabal. It was the intention of my bill to remedy these encroachments, of so threatening and destructive a nature, by excluding the proprietors, as far as was consistent with necessity, from a participation in a government, in the conduct of which they had exhibited such a prostitution of sentiment, and so strange an accommodation of measures, to the corrupt influence and secret intrigues of their servants abroad. This, however, is by no means the intention of the bill under discussion. According to it, matters are still allowed to move on in their former track. Directors must still look to their constituents, and proprietors may still be decided, not by motives of public utility, not by the sentiments of cool deliberation, but by the secret influence of persons who perhaps gave them existence.

Do not daily observation and experience illustrate the connection between representative and constituent bodies? No where is this dependence more eminently exemplified than in this House. Here all of us look to our electors. Here all of us wish to accommodate ourselves to their inclinations, so far as is consistent with our principles; and in the event of dissolution, each of us is anxious to conciliate the approbation, friendship, and good offices of our constituents, that we may not be dismissed. This dependence exhibits, in the strongest light, the extreme danger of continuing the commercial concerns of the company in the hands of persons raised to office, and placed under the absolute control of men who have uniformly been under the influence and direction of their servants abroad. Do not recent facts illustrate this truth, and evidently demonstrate that directors are chosen not in virtue of their merits, but agreeably to the prepossessions and prejudices of the proprietors? I do not mean to expatiate on the circumstances of a late election, or to develope the various causes which have raised an honourable gentleman behind me, (Commodore Johnstone) and others, to the office they now hold in the court of directors. It is sufficient for me to observe, that in determining the judgment of the populace in such cases, merit is not always the criterion of decision; but that in proportion as a servant has acted wrong, in proportion as he has forfeited the favour of the company, he has, in the same proportion, recommended himself to their patronage and regard. Here, then, is a defect of system, a corruption in government, a protection of delinquency, which loudly calls for correction

and remedy. On the present scheme, however, are not these evils rather heightened than destroyed?

Another objection to the bill, in my opinion, is, that it ensures no effective mode of obedience. It enacts an appointment of officers by one body, and vests their recal in another. How could such a system be rendered either executive or effectual? According to every idea of jurisprudence I have formed, the executive authority in every well-regulated government ought to be placed in a small body. This was the constant theme of those who declaimed on the advantages of monarchical government, and their reasonings ought certainly to be admitted in as far as they were agreeable to the maxims of freedom. Here are, however, two distinct bodies; a court of directors and superintendants, constituted on different principles, who may be actuated by various motives, who may occasionally be influenced by opposite interests; and yet, into the hands of these two bodies is to be committed the executive power of administering the affairs of the India Company. The one is to have the authority to appoint; it is the privilege of the other to recal. In so divided a government, where can there exist either energy or execution? Founded in principles so heterogeneous, must it not be the constant victim of internal distraction?

But supposing there should be a cordial agreement established between these two executive bodies, though there should even exist a danger of such an union amongst them, how dreadful must their combination be to this country! By whom is the board of superintendance to be appointed? Is it not by his majesty? Is it not to be under his control? In how dreadful a point of view, then, must the very supposition of an agreement between this board and the court of directors strike every one who attends to it! Must not the existence of such an union extend the influence of the prerogative, by adding to it the patronage of the company? Is it not giving power to the sovereign for the ends of influence, and for the extension of that system of corruption which had been so justly reprobated? How can those, then, who affect to be the enemies of undue influence, the candidates for popular distinction, and the affected friends of freedom, pretend to support a bill so dangerous in its tendencies, and so hostile to the liberties of the country? In whatever point of view, then, I consider the nature of this regulation, I must pronounce it to be unwise and unsafe; for no truths are more obvious than these, that when the courts of superintendants and directors are at variance, anarchy will be the effect; when on the other hand they are agreed, measures will be adopted tending to encrease the in-

influence of the crown, and destructive of the liberties of the subject.

To prevent these evils, and to guard against such fluctuation of system, it was proposed in the bill which received the sanction of this House, that a consistent and permanent government of India affairs should be established in London. On this plan, officers were not to be appointed one day, and recalled another. The administration of India was not to be subjected to change, and become a shuttlecock of government, similar to that which exists in this country. For what has been the fate of this distracted kingdom for some years past? Look at the revolutions which have taken place within this period. Consider how ministry has fluctuated through various successions, occasioned by different causes, whether of national disaster, or of secret influence. Look how many changes there have been brought about in the administration of Ireland, and in the men appointed in the conduct of it. Would not a system, then, constituted on similar principles, be productive of similar effects? Would not the appointments of men vary in India according to the revolutions of politics in this country, and every circumstance, on this principle of the bill, be rendered unstable and ineffectual? No person setting out to India for the most benevolent purposes, could either accomplish his wishes or secure his permanency under so precarious a regulation.

But this bill is by no means calculated to restrain any of those abuses which have existed so long, and have been so loudly complained of. This is another of its cardinal defects. In so divided a scheme of government, where the management of affairs is vested in the same hands as those to whom it was formerly committed, how can such an object be accomplished? In whom did the responsibility of nomination rest? No where. His majesty had the power of appointing *toties quoties*, without responsibility. In so strange a system, how could those abuses be rectified, which it was the object of every bill on this subject to remedy?

The bill which I introduced to parliament, placed the responsibility of appointment and of measures in India affairs in this House. There it was safe: but where does this bill rest it? In his majesty's prerogative, without the circumstances of responsibility. Does not such a measure give even a legal extent, without control, to the influence of the crown? On the principle of the bill, which received your sanction, every thing was to be canvassed with freedom in this House. All was responsibility, openness, and fairness: but on the present scheme every thing is dark design and secret influence. Is it not its intention to steal the patronage of the company to the crown?

There is another defect which must strike every one who attends to the nature and regulations of this bill. Here it is expressly declared that the civil governor shall be appointed by the company, and the commander in chief by the crown. Could any regulation be more effectually calculated to establish an *imperium in imperio*, or to produce division and discontent? Is it not the principle of every well-regulated society, that the military government shall be under the direction of the civil? But how can so wise a regulation have its effect on the supposition that the civil governor is created by one party and the commander in chief by another? Such a regulation is almost too weak and obvious to be exposed.

To the bill which I proposed to the House it was objected, that it had a tendency to give existence to a patronage, and to erect a fourth estate, subversive of the liberties of this country; but let it be remembered to whose hands this patronage was to be committed, and by whom it was to be exercised—it was parliament—it was this House. The present bill rests it in hands appointed by the crown, without responsibility, recallable by the crown under the same circumstances, and to be exercised by the crown for the corruption of this House.

The right honourable the chancellor of the exchequer has accused me of being possessed of a towering ambition; I think his a submissive one, as it seems to lead him to erect a system of mean compliance and secret subordination.

Whether, therefore, I view the present bill with respect to its intrinsic merits, or in comparison with the other, which was the bill of this House, I can neither approve of its principle nor its expediency. It was the object of that bill not to erect a government at Calcutta, but in London; not to give existence to a precarious, changeable mode of administration, but to establish one stable and permanent; not to give an improper extension to the prerogative of majesty; not to enchant this House into an idea of its merits by the charm of the royal name, but to subject various regulations to the inspection of parliament; not to screen culprits from judicial infliction, but bring them to merited punishment: such were the principles, the circumstances, and the objects of that bill which obtained the approbation of this House.

But though that bill has been rejected, other expedients, perhaps less exceptionable, may surely be devised. An alloy of jealousy respecting it, it has been alledged, influenced the sentiments of the public. I approve of jealousy in every point of political concern, and in all points of new regulation, which may affect the freedom and happiness of the nation. But though jealousies have existed, surely proper restraints may be

imposed on those circumstances which seemed more especially to awaken the suspicion of the public.

Much has been said of the nomination of persons which had taken place in the former bill. Their character and abilities have been canvassed with much freedom. I am however happy to say, that they were all of them persons of wisdom and integrity equal to the important trust reposed in them. The noble earl (Fitzwilliam) on whom the first charge was to devolve, is a person whose knowledge, whose abilities, and whose industry render him every way capable for so interesting a charge. There is no person, I am sure, who has the honour of his acquaintance, and who knows his merits, but who will admit the truth of the assertion. The character of another gentleman (Sir Henry Fletcher), who was to have been connected with the noble earl in office, has been reflected on in another House. Aspersion, however, if unsupported by evidence, is the worst species of invective. Enquiry, I know, has been made into the foundation of these reflections, and they have been discovered to be groundless. In this situation, then, it surely becomes the noble lord who threw them out, to disavow them as openly as he uttered them. I am convinced these was no person among the seven appointed by that House, whose character and abilities were objectionable, and with respect to which he was not prepared to meet inquiry.

For these reasons I am fully decided against the principles and political regulations of the present bill. It tends to no reformation at home, to no correction of abuse abroad. It tends to remedy none of those evils which have existed for so long a period, nor to put a period to those barbarities which have stigmatised and rendered infamous the character of Britain, in the annals of India. If adopted, the company may send out their orders to their servants; they may replenish their letters with morals and ethics, but they will be listened to with indifference and disrespect. If adopted, I do not hesitate to say that India is gone, is irrecoverably lost for ever. Gone I am sorry to say, because I am aware, that notwithstanding the magnitude of this truth, notwithstanding its alarming circumstances, there are still some in this House who will give it their concurrence and assent.

After a long debate, the House divided on the motion that the bill be committed:

	Tellers.			*Tellers.*	
YEAS	Mr. Steele Mr. Robt. Smith	214.	NOES	Lord Maitland Mr. Byng	222.

Mr. Pitt's India Bill being thus rejected,

Mr. Fox immediately moved for leave to bring in a bill for the better regulation and management of the affairs of the East India Company. In doing this, he stated that he had only two fundamental principles which he could not give up; and these were, that the system for the government of India should be permanent, rendered so by the authority of parliament; and secondly, that the government should be at home. These were the points of his bill from which he could not recede. They were the essential grounds on which he had gone in all his propositions for India. Other parts of his system were secondary, and might be modelled to meet the inclinations and opinions of the country. In the mean time, he begged leave to ask the right honourable gentleman, if they were to be permitted to enter with freedom and security into the progress of this bill; if they were to trust to the promise made in the answer of the crown to the address of the House; or if they were to be dissolved because they had had the spirit and wisdom to maintain their opinion, and to reject a bill, which in its principle and tendency was so opposite to that which they had adopted? Perhaps gentlemen might think it was necessary to secure themselves against the possibility of such an act of desperation and violence on the part of ministers by an address to the throne. He did not think, however, that even they, mad, weak, or desperate as they might be, would venture to go such a length. He did not think they would; because, trusting to the candour of the right honourable gentleman, he did not believe it possible that he could be guilty of such scandalous deceit and imposition as to perpetrate such an act after the answer which he had framed for his majesty. But as that answer certainly contained an equivocal meaning, and might have various readings, he thought the right honourable gentleman called upon to rise, and declare explicitly what was the true sense of that answer, and what was the construction which he, as the framer, put upon it.

Mr. Pitt sat still; the members from all sides of the House calling upon him in vain to rise. Sir Grey Cooper said, the silence of the right honourable gentleman, though it seemed to indicate an intention to proceed to the dissolution of parliament, ought not, in his mind, to be so construed. It was impossible to imagine that any set of men could be so violent as to dissolve the parliament in the present circumstances of things. If they did, the nation would have the alarming novelty of a standing army in the country in a time of peace, not under the authority of an act of parliament, nor governed by any law. Besides this, it was to be remembered, that the sum of 2,700,000*l.* had been granted by parliament to the king for the supplies of the year, which immense sum was as yet un-

appropriated, and could not be appropriated without grants. If any minister should be daring enough to touch this money, or to apply it without sanction from parliament, what would the public creditors say, if by a dissolution of parliament they should be prevented from receiving their money? But these were only two of many considerations that operated against such a measure, and he thought if the right honourable gentleman persisted in his silence, the House should come to a resolution. The cry of move, move, on Mr. Pitt's sitting still, was very loud.

Mr. Fox rose and spoke with still more animation than before. The dissolution of parliament, in circumstances like the present, was, he said, an act of such violence, and would be productive of such effects, as neither the talents, vigour, nor industry of the present ministry, were they even much greater than their best friends affected to think them, would be able to retrieve. In the present moment, when the taxes were to be considered — when means were to be tried by which the severest of our burdens might be lightened — when means were to be thought of for procuring, on the easiest terms, the sums that must be borrowed this year for defraying of necessary and incumbent debts — when taxes were to be framed at a time when easy taxes were not to be discovered by the most inventive mind — when treaties were negociating with foreign powers — when the confused and complicated accounts of a long war were to be made up — at such a moment to see a ministry, whom the House of Commons had declared to be destitute of their confidence, daring enough to dissolve the parliament, was a novelty in the history of this country. It was impossible for him to speak of the sulky silence of the right honourable gentleman in any other terms than those of indignation. That the minister of the crown should treat the House with so little decency was really strange, and he still trusted in the candour of the right honourable gentleman that he would give them satisfaction, and supersede the necessity of their going into any farther measure to secure their existence, until the bill which he had moved for leave to bring in should be fairly argued.

Leave was given by the House to Mr. Fox to bring in the bill; but the events which followed prevented their proceeding further upon it.

Lord Charles Spencer's Motion for the Removal of Ministers.

January 16.

THE discussion of Mr. Pitt's India bill did not prevent the House of Commons from adverting, in the mean time, to the general state of public affairs. The resolution which passed on the 12th of January, would probably, at any other period, have operated decisively against the ministry; but the stake was too deep to be hastily thrown away; and an attempt was therefore made to evade the consequences of that vote, by considering it as too generally worded to convey any direct censure on the members of the present administration. In order, therefore, to bring the point to a more direct issue, the following resolution was this day moved by Lord Charles Spencer, in the committee on the state of the nation: "That it having been declared to be the opinion of this House, that, in the present situation of his majesty's dominions, it is peculiarly necessary that there should be an administration which has the confidence of this House, and of the public; and that the appointments of his majesty's present ministers were accompanied by circumstances new and extraordinary, and such as do not conciliate or engage the confidence of this House; the continuance of the present ministers in trusts of the highest importance and responsibility, is contrary to constitutional principles, and injurious to the interests of his majesty and his people." In opposition to this motion, it was argued, that the premises, allowing them to be true and well founded, did not warrant the conclusion, since the present ministers were not even accused of having had any share in the transactions alluded to. They had been constitutionally appointed by his majesty, who had the sole right to appoint them; and though it was not denied that a majority of the House was competent to declare their want of confidence in ministers so appointed, yet they were bound in duty to alledge good and sufficient grounds for such a declaration; otherwise the nation would justly consider it not as a constitutional question, but as a daring assumption of the prerogative of the crown, and a factious attempt in such a majority to nominate their own ministers. In the course of the debate, Mr. Powys expressed his wishes for an union between the contending parties, as the only means of saving the constitution from the shock it was otherwise likely to receive.

Mr. Fox observed, that political distinctions were by no means involved in the present question. The principles of Whig and Tory, said he, which have given rise to so much difference of sentiment, and to so much disputation in the world, have no connection with it. In my conversations with the rankest Whigs, and in the whole course of my reading,

I have never found the hardiest of them deny a right inherent in the prerogative to elect its own ministers. On this point all are agreed. But though this be the admitted and established right of the executive branch of the constitution, is it not also the privilege of this House, and of parliament, to decide on the conduct of administration, on the peculiarity of their introduction into office, and on those circumstances which either entitle them to the confidence or the reprobation of the House? It was on this principle allowed on all hands, and the exercise of which, in various instances, has saved the country from ruin, that the resolutions of last Monday were submitted to the committee, and afterwards received the sanction of this branch of the legislature.

But although it is undoubtedly the prerogative of his majesty to appoint his ministers, it may still be a point worthy of consideration, how far it may be prudent, wise, and politic in a monarch to continue them in power, and support them in office, when they are declared by that House to have been elevated to their station by means unconstitutional, and such as have rendered them unworthy of confidence. On this question, as I cannot allow myself even to imagine that a monarch would appoint ministers whom he did not think possessed of the confidence of parliament, so I cannot even form an idea that a wise and prudent sovereign would be hardy enough to continue in office those who have been reprobated as undeserving their regard. In my opinion, therefore, there is no medium, there is no option to the crown, as long as the late resolutions remain unexpunged.

Sir, it has been alledged, that these resolutions were passed at a late hour, and that they were precipitated in a manner unbecoming their magnitude and importance. It is true they were agreed upon at the conclusion of a long and tedious debate. But let gentlemen reflect on the numbers who voted on the occasion, and even on the length of discussion to which they were previously subjected. There were three hundred and thirty eight members in the House when these resolutions were adopted, and, though decided at a late hour, the grounds of them had, in the course of the debate, been frequently touched on, and fully explained.

Much has been said of the importance of an immediate discussion of the bill which has this day been read in the House; I hope every member will pause over these suggestions; that he will reflect for a moment in whom this bill originates; that he will consider that it comes from, and is supported by, men, to whom this House has denied its confidence, and whose mode of election it has reprobated and condemned.

I readily agree with an honourable member who has as-

serted, that the failure of any bill proposed by ministers is no cause for their dismission from office. This is a sound doctrine; let it be applied to the dissolution of the late ministry. A bill received the sanction of one branch of the legislature, and was submitted to the consideration of the other. Every thing seemed to promise it at first a favourable reception in the other House: there was only one method, a method as new as unexpected, as secret as infamous, by which it could be overthrown. This dark design was accomplished by a member of the present administration, but who has since, for reasons best known to himself, resigned his charge. It was not therefore the failure of the India bill in the other House which ejected the late ministry from office, but the mode by which that failure was accomplished; a mode, which being new and extraordinary, this House has condemned. On these accounts, therefore, even though the India bill which has been this day read, were the essence of political wisdom, it ought to be rejected by the House.

It has been asserted, that the influence of the crown in this House is diminished. Still, however, is it not great and extensive? Does not the dismission of the late ministry, and the adoption of the present, exhibit its magnitude? Were not both these measures effectuated by the means of a dark and secret influence on the royal mind? Was it not in this way that ministers, who had been emphatically styled the keepers of his majesty's conscience, were dismissed from the participation of his councils and government? These were facts which were no secrets. These the person who was accessary to their existence, found himself under the necessity of publishing; and when he published them, he published, at the same time, his own infamy. Would a man, with the heart of a man, have acted so mean and shameful a part?

But, whilst I thus express myself with respect to the rights of parliament; whilst I assert the privilege of this House to decide on the conduct of ministers, and to consider the modes or artifices by which they have crept into office; whilst I exhibit and condemn their conspiracies against the constitution of this country, let it not be understood that I wish to diminish those rights which are legally invested in majesty. The prerogative of the negative is a maxim which I have always admitted, always asserted, always defended. Who doubts it? I, for one, never have. And had this prerogative on a late occasion been exerted, not in the dark and under the baleful shade of a secret influence, but in an honest, open, and avowed manner, I should have applauded the measure.

An honourable member (Mr. Powys) has reflected on my ambition in the progress of my parliamentary conduct. But

by what fact can he substantiate his charge? Has not my conduct been always consistent? Have I trod in any road but one? Have I not sought to elevate myself by direct, open and constitutional modes? Have I endeavoured to gratify my ambition by the artifices of secret intrigue, by sculking behind the throne, by flattering his majesty's prejudices? Have I ever deviated from the principles I have avowed, or inconsistently and meanly attached myself to one administration in eighty-two, and another constituted on opposite principles in eighty-three? No one can state such objections to my conduct.

A coalition has been the subject of recommendation during the course of debate. I neither court nor avoid union with any party. Such coalition, however, must be established on a broad and consistent basis. Every well-constituted administration must be one with itself. This is absolutely indispensable. The noble lord with whom I formed a coalition, differed from me on various grounds previous to the establishment of this connection. We differed on the subject of the American war. This difference, however, was obviated when that war came to a period. I thought the influence of the crown too great. On this subject the noble lord also differed from me. This ground of contrariety of opinion was likewise, in some measure, taken away. A third thing, in which the noble lord and myself entertained a variety of sentiment, was his connecting himself with an administration of whose measures he did not perfectly approve. This point the noble lord may still defend, whilst I maintain my former opinions. These were the material grounds on which, in our political conduct, we differed, and which, being done away, every objection to our coalition was removed. I have, therefore, no objection to connect myself with persons of any description, with whom I can form a permanent union on sound and general principles, with men who enjoy the confidence of this House and of the public. When such persons appear, I shall reckon it a duty to coalesce with them, a duty which I owe to my country.

An honourable gentleman under the gallery has told us, that his majesty had a confidence in the present ministers: but can such an idea be for one moment supported in the House? Can it be believed that his majesty has a confidence in men who have formed a conspiracy against the constitution, and got into office by an act of treachery? Such a supposition is a libel on majesty; after the resolutions of Monday it cannot exist; and I have too great a respect for the sovereign to dwell on it.

To confound personal and political confidence is a common error. That his majesty may repose a personal confidence in

his present ministers, separately and individually, I have no doubt; but that he should repose a confidence in their political character, under the opprobrium which rested on them, is too gross an idea to be admitted or entertained. What language does such a supposition hold out to every member in the House? Is it not saying to him, spend not your time in politics; cease to study the constitution of your country, or to rise to eminence in the senate; study rather the arts of ductility and secret intrigue; these are much better calculated to give you distinction in the state, by rendering you the object of royal regard. I venerate the character of the young man who holds the reins of government at present; I admire his virtues and respect his ability; but if he would conciliate the favour of such a monarch, he must sacrifice every ingenuous quality in his nature; he must substitute cunning instead of wisdom, complaisance instead of honesty, and meanness instead of real fortitude and magnanimity. He, therefore, who maintains that the present ministry enjoy the confidence of the crown, affronts the dignity and wisdom of majesty, and even fights on his stumps in defence of a reprobated administration.

These circumstances, therefore, strongly impress me with the idea, that the king is either ignorant of the resolutions of last Monday, or that his ministers have deceived him with respect to them. When the noble lord who sits near me, and who governed the country for so long a period, at last found himself deserted by the House, and a majority of nine only in his favour, even in this situation he retired with becoming propriety and decency. How much more, then, is it incumbent on those to follow his example, against whom a much greater majority appeared on a vote of censure on their admission to office.

There is, therefore, a political necessity for the present motion. I am happy, however, that it is not personal, and would still hope that the measures of the present administration will not lay the House under the necessity of following up their former resolutions by an address to the throne.

Much has been said of the confidence of the public in the present administration. I have been told that this day an address has been carried to the throne in support of this idea. But if in that address it has been insinuated to majesty that his late ministry threatened, or still threaten, to invade the prerogative, I have only to assert, that such an insinuation is false. A rumour has been circulated, and adverted to in the House, that it is the intention of the public to correct the vices of parliament, by supporting ministry by voluntary benevolences. Of this mode of supporting administration, independent of parliamentary subsidy, I remember to have received a

most able and decided opinion from that acute and masterly genius, Lord Ashburton, whose loss to this country I cannot sufficiently lament. As, however, it is the most improbable, I think it is also the most innocent mode of supply that has been devised. In the present case, however, it is more dangerous perhaps than in any other. The situation of this House, threatened by the existence of a ministry whom they have condemned, would render such a measure, were there not an improbability of its existence, truly alarming.

Sir, I have only one point more to touch on, but it is one which I cannot pass over in silence. Much has been said of active and passive influence. This is a doctrine which, in its application to the royal personage who has frequented this House of late, I do not understand. God forbid that he should not take an interest in its political concerns! For where is he more likely to imbibe a knowledge of the principles of the constitution than within these walls? And how can he more eminently illustrate the excellence of his character than by thus blending his personal respect for his majesty with his attachment to his country?

The committee divided on the resolution, when there appeared, YEAS 205: NOES 184. The resolution, on being reported, was agreed to by the House.

January 20.

The public expectation was now fixed on two important events, the one or other of which it was supposed would be the necessary consequence of the last vote of the House of Commons; namely, the resignation of the ministers, or the dissolution of parliament. On the 20th of January, the day appointed for the committee again to sit on the state of the nation, there was a general call amongst the members, called country gentlemen, for a coalition. Mr. Rolle gave as his reason for not moving for certain papers, that a rumour was then afloat, that a negociation was on foot, by which, it was to be hoped, an end would be put to the species of confusion which had of late distracted the government of this country. Soon after Mr. Rolle had sat down, Mr. Fox entered the House, and a cry of "the order of the day" was immediately set up. Upon this,

Mr. Fox rose. He said that since he came into the House he had been informed, that an honourable member had given for his reason for not moving for certain papers, that a rumour had been spread abroad of a negociation having been set on foot for the purpose of effecting an union between both sides of the House. The reason, in his opinion, was a very indecent one; and the more so, as there was no ground for any such rumour;

at least he could say with certainty that no such negociation had reached his knowledge. His motive for rising on the present occasion was, to tell the House, that he intended to move for the discharge of the order of the day, and that another order be made for going into a committee on the state of the nation. He observed, that after the resolution which the House had agreed to on Saturday morning last, it was certainly to him a matter of astonishment, that the present men should still be found in their offices, seeing that that resolution declared in the most unequivocal terms, that they possessed not the confidence of the House. The nation now beheld what had not been seen since the Revolution, an administration holding their places in defiance of the House of Commons, and renewing as much as in them lay those distracted times before the Revolution, when, to the misfortune of the nation, the House of Commons were almost always at variance with the executive power; and obliged to maintain their rights against the prerogative of the crown, which aimed at their annihilation. Would that the sea, which surrounded the island, could prevent the shame of this country from reaching the nations on the continent; would that the destruction of this government could be kept from the knowledge of the dependencies of this country, or rather that the constitution were secured, and that every thing were restored to peace and quiet at home, at a moment when there was so much occasion for vigorous measures in the cabinet! It might be for the committee to enquire into the cause, why an administration was found to stand in this country, in open defiance of the sense of the representatives of the people of England: however, he was willing to give his majesty's ministers time to reflect and coolly to consider the situation in which they stood:—they must know, that remaining in office under such circumstances, must be productive of the most serious consequences, not perhaps to themselves but to their country. It seemed at present to be a contest between privilege and prerogative, or rather between prerogative and the constitution. The question was in fact, whether a secret and unconstitutional influence should so far prevail in this country, as to be able to maintain in office a set of men in whom the House of Commons had declared they could not repose confidence. These men should reflect that a more dangerous contest could not possibly be introduced; that such a contest never existed in this country, without proving injurious to the prerogative of the crown and the liberties of the people. They should reflect seriously upon this, and consider how unlike lovers of their country they must be, to render themselves instrumental in bringing on a contest, from which the most melancholy consequences might naturally be expected. In order, there-

fore, to give them time to enter into a serious consideration of the business, he was willing to adjourn the farther sitting of the committee on the state of the nation to Monday next; and he hoped that by that time they would be able to give such advice to his majesty, as should appear to them suited to the present situation of affairs. As to the idea of an union with those whom he was now opposing, all he would say was, that he was not an enemy to any individual; but gentlemen should consider how far it was practicable to effect it consistently with principles that appeared almost irreconcileable.

Lord Frederick Campbell was glad the right honourable gentleman had consented to put off the sitting of the committee for a week; but he would have been still more pleased, if he had put it off to a still more distant day than Monday next; for as the House would naturally expect to go through the India bill, before the committee should sit again, they would find it impossible, as the bill was not to be read a second time till Friday, if the committee was to sit on the succeeding Monday. He was not without hopes that every thing might still be accommodated to the satisfaction of all parties, in the present struggle for power.

Mr. Fox replied to the noble lord. He said, that he was in hopes the sitting of the committee would not be found to interfere in any respect with the consideration of Mr. Pitt's India bill, for he trusted that the House would throw it out on the second reading upon Friday; so that there would not be any ground for objecting to the sitting of the committee, as interfering with the discussion of the bill. For his part, he would do all he could to consider the bill on its own bottom, without adverting to any collateral circumstance that might have attended its introduction into that House; but it could hardly be expected that the House would follow his example in that respect; it was bordering upon an impossibility, that these circumstances should not be adverted to by gentlemen in the course of the debate; and, therefore, if the bill could not be discussed without any reference to them, it was not his fault, but the fault of those, who had, by their misconduct, rendered such a proceeding unavoidable. The noble lord had called this a struggle for power; but he would beg leave to assure the noble lord, that if this expression meant a struggle for personal power in him and his noble friend, there was not the least foundation for it. The struggle was in fact between the right honourable gentleman over the way, (Mr. Pitt) and the constitution; and if in such a struggle, he (Mr. Fox) and those who acted with him, were to remain neuter, it might be truly said, that they had abandoned the constitution. As far as he himself seemed to be struggling for personal power, he dis-

claimed the imputation in the most solemn manner; and he would venture to go as far in disclaiming it in the name of his noble friend (Lord North), whom he did not then see in the House; and, it was but justice to say of that noble lord, that of all the charges brought against him while he was at the head of affairs, that of struggling for personal power was never so much as thought of; on the contrary, he had always declared, and his subsequent conduct proved the sincerity of his declarations, that he looked to the confidence of parliament for the support of his administration; and when a resolution was proposed to that House to declare the commons would no longer confide in him, his noble friend, true to his repeated and invariable declarations, thought proper to retire, though he was not so deserted, but he was able to negative that resolution by a majority of nine on a division. Why, then, was the noble lord become disagreeable to the secret advisers of the crown? Not surely because he had carried on the American war, which was so agreeable to their wishes, but because he refused to carry it on after he found that the House of Commons had resolved it should be given up. His noble friend, like a man who rightly understood the constitution of his country, knew that when the commons and the executive power were at variance, no minister could or ought to stand; or, in other words, that no minister could stand, who had not the support and confidence of the House of Commons. With this principle rooted in his mind, his noble friend gave up the helm of the state, because he knew he ought not to hold it against the sense of the representatives of the people. Here was the great cause which rendered his noble friend so disagreeable to the secret advisers of the crown. It was not because his noble friend had not supported the influence of the crown, but because he refused to be the tool of these advisers in supporting that influence against the sense of the commons of England. His noble friend submitted to the sense of that House, and refused to push that influence as far as perhaps he might have had means to do, if he had paid less deference to the opinion of the House of Commons.

But, what his noble friend had nobly, and like a lover of this constitution, refused to do, his majesty's present ministers had been brought in to execute; they came in, therefore, the avowed champions of the influence of prerogative, under the auspices of secret influence. They were brought in for the purpose of shewing how far the prerogative was able to support a minister, and enable him to look down upon the resolutions of the commons of England. That House had formerly been accused of being too intimately connected with the crown; but that happy connection, which had produced

harmony, and raised this country from the period of the Revolution down to this day, to an envied pitch of opulence and power, was now dissolved, and those fatal times antecedent to the Revolution were revived, in which the ministers of the crown were invariably at war with the commons. The present, he said, was an æra in this constitution, and the man who could stand an idle spectator of the events of the last three weeks, could not be a friend to his country. To struggle, therefore, at present, was not to struggle for power but for liberty. He was sure that there was not a man in that House who would lay his hand upon his heart and say, and much less believe, that if the noble stand which had produced the various resolutions that had passed within these three weeks had not been made, there would have been at this day in this country, any thing more of liberty than the shadow: the substance would have been borne down by the influence of the crown.

The noble lord and several other respectable gentlemen had recommended union to both sides of the House. It was much easier to recommend than to effect it; and he begged gentlemen would not suffer themselves to be hurried away by too sanguine hopes, that such an union could be as easily effected as it could be wished for. For his part, he had no objection to an union; but in order that it might be of advantage to the public, it ought to be founded in principle; and how far this could be done in the present moment, he would leave it to the House to determine. Some men are brought into power by means which by others are declared to be absolutely unconstitutional; nay, absolutely subversive of the constitution. The parties accused defend these means; how, therefore, can these two parties ever agree in measures when they disagree in principles, with respect to the very foundation on which a ministry ought to stand? One set of men think that the opinion of the House of Commons ought not to guide the sovereign in the choice of ministers who may have the confidence of the people; while the other set think that no ministry can or ought to stand, but on the confidence and support of the House of Commons. The one party stands upon prerogative, the other upon responsibility and the constitution. How, therefore, could these parties coalesce? Union might live upon their tongues, but not in their hearts; and he begged that those gentlemen who so laudably endeavoured to bring about an union, would not suffer themselves to be hurried away with an idea, that it was easily to be produced. To all appearance, indeed, union might exist; but in fact, disunion and distraction would alone be found in council, if the different parties, how-

ever they might differ on particular points, did not all stand upon one great and broad principle. He had already experienced this misfortune in one of the two governments in which he had borne a part, where every thing bore the appearance of union and harmony, when in reality nothing but discord and division prevailed in the cabinet. He had rather, therefore, if an union upon principle could not be expected, that no union at all should take place; he had rather differ in that House, where he could assign his reasons for his differing, and where the House could decide, than in a place where the parties differing were ultimately to decide; and the nature of which was, that a man could not relate the causes of the difference. An union, not founded upon principle, would be fallacious, and infinitely more dangerous to the country than the divisions which at that time prevailed within the walls of that House.

Gentlemen wished the India bill might be considered upon its own merits, and that concessions might be made on both sides; for his part he was ready to do it; in his opinion it carried in itself internal evidence of its inadequacy to the end for which it was proposed. The principal thing which seemed to recommend it to the House was, that it was founded on propositions made by the East India company itself. But he would shew that there was not near so much in the boasted consent of the company, as gentlemen might be led to imagine, which he hoped to be able to prove to the House, when the bill should come before them. As to concessions, he did not know how the right honourable gentleman over the way could make any, without falling into that very error or crime, which had been made such a ground of attack upon his bill, namely, the acting without the consent, or against the will of the parties concerned. For as the bill was built on certain specific propositions, to which the company were supposed to have given their consent, if any alteration was made in the bill, which would make it differ from the principle of these resolutions, it could no longer be said to come recommended by the consent of the company. For these different reasons he had very little hopes of seeing such an union effected, as would prove a blessing to the country.

In reply to Mr. Fox, Mr. Pitt said, he was by no means averse to the union so strongly and so properly recommended by the respectable and independent country gentlemen, from whom the recommendation had come; but, on the other hand, he agreed perfectly with the right honourable gentleman, that an union not founded on principle, and which would produce disunion where it would be more dangerous than in this House, would be a fallacious union, and such as no lover of his country ever could wish

to see. The right honourable gentleman had said, that he, in common with his majesty's other ministers, held their places in defiance of the opinion of that House: in answer to this charge, he would say, that nothing but a sense of his duty to the public could keep him in office; and when in the committee on the state of the nation, this business should come to be agitated, he would state the motives which kept him in office, and which he trusted would be found just and reasonable; for the present, he would only say, that he thought he could not, at this moment, go out of office with as much honour as had attended his going into it. He had also been accused of standing for support on secret influence; but this was an assertion which he defied any man to establish by proof. [Here was a loud laugh, occasioned by the challenge to produce proof of a thing done in secret.] With respect to this secret influence and secret advisers, he would assure the House, that as long as he should bear a part in his majesty's councils, he would never suffer himself to be influenced by any secret influence, or secret advisers, if any such there were.

Mr. Fox's motion for going into a committee on the state of the nation upon Monday, the 26th instant, was agreed to.

MR. EDEN'S MOTION TO OBSTRUCT A DISSOLUTION OF PARLIAMENT.

January 26.

THIS day, his majesty's answer to the address of the House being read by the clerk, the following motion was made by Mr. Eden, with a view to give the House a more permanent security than the precarious mode of existence it then enjoyed only from day to day; "That it appears to this House, that his majesty's said most gracious answer contains assurances upon which this House cannot but most firmly rely, that his majesty will not, by the prorogation or dissolution of parliament, interrupt this House in their considerations of proper measures for regulating the affairs of the East India company, and for supporting the public credit and revenues of this country; objects which, in the opinion of his majesty, and of this House, and of the public, cannot but be thought to demand the most immediate and unremitting attention of parliament." As soon as the motion was read, Mr. Pitt declared, that his majesty had indeed pledged himself in his answer not to interrupt their meeting again after their adjournment; but he saw not how it could be inferred, that the royal word was pledged any further. To a motion, therefore, affixing an unlimited construction to the king's answer, he must give his dissent; and that for the strongest reason that could possibly be adduced, namely, because he knew when he advised his

majesty to use the words in which the answer was framed, he never had such an indefinite sense of them in his contemplation. In the present situation of affairs, he thought a dissolution could not but be attended with great detriment and mischief, and therefore he should not advise any such exercise of the prerogative.

Mr. Fox professed himself entirely easy as to a dissolution, after this declaration of the right honourable gentleman; had he condescended to have expressed himself so a fortnight ago, he would have saved the parliament and the people much trouble and much anxiety. The right honourable gentleman had at length thought proper to relax in some degree from that absolute silence, that sullen reserve, the House so lately experienced from him; but has he, pursued Mr. Fox, discharged every duty of respect? Has he acquitted himself with due decency to this House? Or has he not pursued the very reverse of such a conduct, in continuing in his situation as minister in positive and direct contempt of a solemn resolution of this House? That this House has a right to address and advise his majesty in the choice of his ministers, as well as other subjects of importance, is a point on which no person will venture to dispute, though his majesty has certainly, by the frame of the constitution, the right of chusing his own ministers, a prerogative which he may exercise at his discretion: but that a member of this House shall, in defiance of its solemn vote, delivered after a long debate and the maturest deliberation, presume to continue in so obnoxious a situation, is such an insult to the honour, the sense, and the judgment of parliament, as ought not to be overlooked. Is it to be expected that the business of the nation can be conducted with effect, can proceed at all during the administration of men who want that indispensable requisite to every ministry, the confidence of the people? Are we to be told that the solemn resolutions of this House are to be considered as trifles in the eye of one of its own members? Or will the right honourable gentleman openly avow what his conduct so glaringly manifests, that he considers himself superior to this House? That a situation he stole into by intrigue, by private whispers, and by springing the mine of secret influence, will support him against the positive resolution of the House of Commons? That he can erect the banner of secret influence here, in opposition to public confidence? Or that he can continue, what I am obliged now to call him, the unconstitutional minister of the crown, against the voice of parliament and the spirit of the constitution? Then, indeed, would there be an end to the excellence of that system, which we vaunt as the utmost

effort of legislative perfection; then could we no longer boast of that happy equilibrium on which our liberties depend; and our constitution, from being the envy and admiration, would become the mockery and scorn, of all Europe. These are circumstances too glaring to be doubted. This is a situation too grievous to be tolerated. We have hitherto acted on the calmest, on the mildest principles; but however unwilling to adopt strong and violent measures, we ought not to be less determined, nor are those with whom I have the honour to act. Why, then, will the gentleman persevere to mock, to insult the dignity and the honour of parliament? Why will he always persist in forcing to disagreeable extremities? I would not this night, nor for some time, perhaps, move any resolution on this subject. I should be sorry to recur to means which would wear any other than a conciliatory aspect, or should tend to dissolve those bands of union and harmony between the legislative and executive power, so necessary to carry into effect the various operations of policy and government.

After very ably and accurately discussing Mr. Pitt's allegations, and shewing the impossibility of any business being effectually or successfully conducted under an administration formed on the principles of the present, and lying under the censure of the House, he concluded by earnestly entreating gentlemen to consider the circumstances in question, acting with coolness and deliberation, but at the same time with firmness and resolution.

In reply to Mr. Fox, Mr. Pitt asserted, that though the situation of a minister maintaining his post, after the House of Commons had declared him undeserving of their confidence, was novel and extraordinary, yet it was in his opinion by no means unconstitutional. He conceived that, by the constitution, neither the immediate appointment or removal of a minister rested with that House; that he neither could nor ought to remain long in such a situation he was ready to confess; but he was bound to use his own discretion, in preventing the mischievous consequences that might attend an instant resignation. It behoved him to consider who were likely to be his successors; and he was bound, in honour and in duty, so far to support the prerogative of the crown, as not to quit a situation, because it was become difficult or dangerous, till he saw some prospect of its being filled in a manner more acceptable to all the parties concerned.

Mr. Fox said, if the right honourable gentleman had not before manifested, that he considered himself superior to that House, he had, in the present instant—standing up the unconstitutional minister of the crown—expressly declared,

that he despised the resolution of that insignificant assembly. The right honourable gentleman had remarked on the advantage of appealing to the sense of the House, and very justly; the right honourable gentleman was himself the only minister who had ever despised their approbation,—creeping into power by means unfair, as they were unconstitutional. The right honourable gentleman did not pretend to that confidence which so eminently distinguished the late ministry, the confidence of that House, and the confidence of the people. Ceremony and etiquette, Mr. Fox said, he might be easily induced to forego; nay, he should even, on some occasions, sacrifice his own honour, and that of his friends, and suffer their dignity to be diminished, if the emergencies of the country required it; but on no occasion would he suffer any sacrifice to be made of the honour or the dignity of the House of Commons. Both the one and the other were at stake in the contempt of their resolutions; as long as they conveyed a censure, as long as they reprobated the principles on which the present ministry held their situations, so long would he refuse to unite with them; so long would he oppose them, though they should possess all the abilities, all the virtues, all the popularity which any former administration might have possessed, or which might possibly fall to the share of any subsequent administration. But how does the gentleman attempt to defend himself? On what ground does he stand against the censure of parliament? "Because the majorities against him are diminishing!" But how would he have exclaimed if this argument had been used against him in the year 1782, when we lost a division by a majority of one; and on the next question gained it by a majority of 16? The ministry of that time had the spirit to resign when they lost the support and confidence of parliament,—circumstances essentially necessary in former ministers; but the love of power and station has, in the present minister of the crown, always predominated over every other consideration. I have been much myself in the habit of differing from a majority, but it was on public points in which I had no concern as their servant. If I had at any time found the sense of the House against me as a minister, I should immediately have resigned, and said, "You must find some other instrument to do your business, for I will never be agent in any cause I do not approve." Mr. Fox, with infinite point, and infinite success, combated all Mr. Pitt's positions, avowing a determined resolution to enter into no terms with the ministers of the crown while they continued in office.

The motion was agreed to without a division.

Mr. Fox's Motion to adjourn the Committee on the State of the Nation.

January 29.

THE order of the day being read for going into a committee on the state of the nation,

Mr. Fox said, this was the day in which it was intended to resume the committee on the state of the nation. He regretted, that when this order had been made, the circumstances in which it originated were not so effectually changed as to occasion in his mind any substantial reason against a literal compliance with it. The House and the public still saw, to their sorrow, a ministry in this country retaining their situations in direct opposition to the House of Commons. They saw the servant of the crown claiming the privilege of setting up his single opinion in opposition to theirs. They saw an obvious intention of putting all their resolutions and measures at defiance. Was it not resolved, after the most solemn and deliberate discussion of a very full House, that the continuance in office of the present ministry, who came in on secret influence, and were supported by every sort of influence except that of a public and avowed one, was dishonourable to parliament, and injurious to the service of the country?

It was on account of their occupying this very singular and unsatisfactory ground, that their conduct had engrossed so much of the attention of the House. And were matters now altered for the better? What new facts had been stated, what other reasons assigned than those already heard from the right honourable gentleman? The House consequently was reduced to the disagreeable and mortifying situation of being insulted and despised with impunity. Was this an honourable or decent situation for such an assembly to be placed in? It was a situation in which ministers could do no public good whatever. National affairs were perfectly at a stand. And why? The right honourable gentleman said he would insist that his judgment was preferable to the collected wisdom of the House.

But let gentlemen consider what the present state of the public is. Is not the business of the public at a stand? What is it that can be carried on of any consequence to the community at large, while the ministry and the representa-

tives of the people are at variance? He knew not what facts the right honourable gentleman might be in the humour to deny; but he was perfectly founded in saying, that whatever depended on the concurrence of parliament, was by his pertinacity or obstinacy perfectly at a stand.

In what business, then, were ministers engaged? The world were not to learn that much private favour had been lately distributed. But would ministers and their partizans say with what view these valuable gifts were vouchsafed? Was it not to strengthen, stimulate, and promote certain views which had excited ministers to increase a body of men which it was their object to render inimical to the constitutional influence of that House? This was a project which evidently originated with the secret advisers of the crown, whose interest it was to vilify and traduce the representatives of the crown; and those who would thus stoop to be their tools, their instruments, and their creatures, were always sure of encouragement at court. The confidence of the House of Commons, of the public, and of the world at large, was no object, no recommendation to them. But in proportion as they conciliated the good opinion of the public, in proportion as they stood well with the House, in proportion as their measures were likely to be of general advantage, in the same proportion would they be condemned, censured, and expelled the confidence, the caresses, and the favour of the sovereign. What, then, signified a majority of the House of Commons to a minister who stood on such a ground? It might serve him to carry a few necessary measures, but would never exhibit him as an eligible servant of the crown. No. It was only in so far as he deviated from the constitution, as he shewed a contempt for the opinion of the people, as he preferred his own judgment to that of parliament, that he would gain in the royal esteem, or merit the approbation and support of those who were constantly exercised in whispering the worst things of the best men.

These were the glorious and important purposes for which the whole patronage of the crown had devolved on them, and was used with all the licentiousness and partiality of private property! He always expected to be told on such topics as this, that the prerogatives of the crown were not to be impaired or restrained. He was the last man who would ever wish to see one of the three estates stript of any of those powers with which it was legally invested. But were not all those powers originally given with a view to the public service? He would be glad to know how such an object as this could be served by the late creations which had taken place. He trusted nothing he said would be understood in any de-

gree as personal; but he thought it his duty to mention the interest which, as it struck him, the public undoubtedly had in whatever either directly or indirectly affected their interest. He would insist on it, that ministers were responsible to the House of Commons for the exercise of every prerogative belonging to the crown. It was in the House of Commons, or by the people in their original capacity, that every exertion of those powers which distinguished the sovereign of the empire, were ultimately to be tried, and in proportion as they answered the primary intention of their institution, be acquitted or condemned.

Now, however, the secret came out on which the present arrangement proceeded; they forfeited the confidence of the House, or, what was the same thing, treated it with the greatest contempt, because it ensured them a welcome reception from their private employers. Their conduct was therefore no longer a mystery to the public. It was written in the most legible characters. They not only opposed their own official consequences to that of the House, but by their obstinacy and temerity established a most melancholy and dangerous variance between the sovereign and the people. Through the medium of this ill-omened administration, the subjects at large and their supreme magistrate were taught to regard each other with jealousy and mistrust. This was one capital object of their system, and it was undoubtedly well calculated for attaining its end.

To what lengths the House would be justified in going under such a circumstance, it did not become him to say; but neither would any one opposite to him pretend to affirm that parliament was not defied by ministers. Why did they not condescend to gratify the public, to meet the wishes of the people, to sacrifice their attachment to place for the sake of restoring tranquillity to the country, and confidence in an administration which might do the business of the people as it ought to be done? Who did not remember to whom the interregnum of last year was owing? How was the interval of public business then filled up? Things were then done which the nation could not soon forget; and they were done under the same circumstances of public discontent, and the same instruments which gave them their formality and effect. A similar indignity to the country in the eyes of all Europe was now going forward; was perpetrating in open day; was insulting those radical and hitherto undisputed powers which the constitution had lodged in the House of Commons. All the world were witnesses to a farce which the present actors could only submit to play. They kept the country without a government at a period when the pressure

of public business never was greater; for at this time it could not be said we had in fact any thing like an effective government. He trusted in God men's minds would soon be awake to the ridicule of their own situation, and that they would save the British name from that ignominy, that contempt, inseparable from rulers of such a description.

But how long were they destined to continue under all the disadvantages of such an executive power, which was altogether destitute of energy, of influence, of respectability? How was the House of Commons, thus irritated and insulted, to conduct itself? He had conceived from their late conduct the best opinion of their resolution, their sense of dignity, and their attention to their honour and privileges as a body; he should therefore hope they never would suffer themselves to fall into the snare thus laid for them by those who wished, and only waited to take every possible advantage that might arise from their conduct in a situation thus critical and trying. They had already disappointed those who had thus proved them, by a temper, a moderation, and a magnanimity, which did them the highest honour. This was the calm, the deliberate, and the manly line of conduct in which he hoped they would persevere, and from which no temerity, no haughtiness, no obstinacy from those individuals who had set themselves against them, would ever tempt them to depart. He recommended firmness without obstinacy, and moderation without pusillanimity, as that which, notwithstanding every consequence, would still justify the strongest measures in the eyes of the public.

He therefore proposed the House should adjourn till Monday, when if nothing occurred to give public affairs a more favourable aspect, it would certainly be necessary to resume the committee on the state of the nation. The few days respite which such an adjournment would afford might be employed as those which were passed had been. He trusted the well-meant endeavours of such as wished to produce something like an union, might not again prove abortive. But he was bound in conscience once for all to declare, that while the present ministry retained their situations, every effort of that kind, however laudable and well intended, must be useless and unavailable.

Mr. Pitt objected to the mode of arraignment thus constantly adopted by those on the opposite side of the House. Against all that very high language thus personally addressed to him, he would only oppose his simple assertion, as no more argument was used on one side than he should affect on the other. Indeed he doubted not the House would think with him that such a torrent of crimi-

nating assertions were not by any facts whatever to be established. He was conscious to himself no part of his public life or official conduct stood in the least need of any apology. The delicacy of his present situation required discretion. He was determined to sustain it with as much firmness and decency as he could. This resolution was the result of deliberation, and no invective or aspersion which the right honourable gentleman could throw out, should divert him from that sort of behaviour he had already pursued; he could only act in so far as his own judgment directed him. This direction he trusted would not lead him into any very palpable mistake; and while he retained a confidence of this kind, it was in vain to expect he would be the dupe of any other.—Lord North much approved of his right honourable friend's motion for adjournment. He was certain of his proceeding in every thing with manliness and decency. He knew his sensibilities to be strong; but these were under the controul of a sound mind and an incorruptible heart.—Earl Nugent said, that he for one did not believe that a majority of that House were ready to subscribe to the administration of a dictator, and to receive again into the public service the author of the East India bill. To the right honourable gentleman, personally, he had no objection; he thought his talents were of a commanding and superior nature; that his genius was profound and inexhaustible; his mind firm and adventurous. He would go farther; he was ready to say, that in such a moment as the present, the country stood in need of such a minister. We could not go on in the beaten path; we could not be saved by the common quality of measures; we wanted the activity of such a man as the right honourable gentleman; but he wished to see him only making the part of an administration, not monopolizing the power. His aid, his assistance, would give vigour and energy to any system; but the constitution of this country would not admit that the sole and dictatorial power should be vested in one man. It was therefore his opinion that the majority of that House were not prepared to see the right honourable gentleman rise in his air-balloon, and elevate himself over the constitutional heads of the state. A great deal of clamour had been set up against secret advisers, and the secret influence of the crown: he did not believe that those who excited the clamour, believed that there was any such thing as the dangerous influence of secret advice. It was now asserted with a very high tone, that a noble earl had no right to go into the closet of the king to give his majesty advice, although that noble earl was by his rank and fortune set in so distinguished a place in the country, and though he was so deeply involved in its interests. It was the clear and indisputable right of every citizen to give advice to his majesty when he was called upon to do so; and he must be allowed to say, that the noble earl, by his high rank and fortune, was much better intitled to give advice to the crown than those who possessed not the same pretensions, and who at least had not the same reasons for exerting themselves in the deliverance of their country. God forbid, he said, that he should presume to search into the hearts and motives of men. He wished to speak of them only from ap-

pearances; and on this ground, he said, that judging between the noble earl who had been arraigned for giving advice to his majesty, and those who arraigned him, appearances were in favour of the noble earl; appearances were in favour of him who had a great stake in the country, rather than of those who had much to hope for and little to lose. Here the noble lord was called to order.

Mr. Fox begged leave to remark on a few assertions which had fallen from the noble lord who spoke last. The noble lord had complained that he had employed improper influence in affairs of state, and had affirmed, that he had not a better right to tender his advice to majesty on the great political concerns of the country, than a noble earl of distinguished rank, and of considerable fortune. These assertions were false; and when the House called the noble lord to order on his expressing them, it acted in every respect agreeably to its own forms and its own dignity. Did the noble lord recollect, that at the period when the advice to which he had alluded was given by the noble earl, when that secret influence had been employed which had interested the attention and drawn down the indignation of the House, he was acting as the responsible minister of the crown, the authorised adviser of majesty, and as such, had he not an official title superior to the noble earl, or to any other person, to advise his majesty on the great national concerns of this realm? He was confident that there was no person who attended to these circumstances but would admit their truth, and allow that the conduct of the noble earl to whom reference had been made, was an encroachment on the privileges, and a direct invasion of the rights of ministers. The noble lord had rested much on the extensive fortune of the noble earl who had employed his influence with majesty. He had spoken of this circumstance as conveying a superior title to that of any other person, not comprehended within the same description, to counsel the crown, and to mingle in the affairs of the country. He had expressed a distrust in the political integrity of men who had much to gain, and nothing to lose. This was a language to which he had not been unaccustomed. It was a language which was founded in no constitutional maxim, and which he had ever reprobated as unfriendly to that spirit of equality, and to that importance which every individual claimed, and was entitled to in this country. Did not the noble lord know, or was he so much blinded by the affluence of his fortune, or the distinction of his situation, as not to perceive, that it was not the men of the greatest estate who either possessed the greatest virtue, or were entitled to the greatest share of re

pute in the kingdom. He stood up for men of small property. He knew them to be as honest as men of affluence, and as subservient to the interests of the country. Was it not the collected property of such persons that constituted the greatness of the nation, abridged the power of the rich, and rescued them from the tyranny of affluent oppressors? Was there any ground, therefore, for the noble lord's affected degradation, or affected distrust of such characters? Such observations might be adapted to flatter the pride, or to give false consequence to the character of men of fortune; but they were surely founded in no rational principles, and were the arguments, not of a man of sense, but of a man of estate. Look at different countries, trace the sources of their affluence, and it will be found that these originate not in the separate and detached fortunes of scattered individuals, but in the united and collected riches of less opulent subjects.

The noble Lord had asked the House if they were prepared for the reception into office of a dictator, who had framed and patronised the India bill? Did the noble lord recollect to whom he made that appeal? It was to the very House that had given its sanction to that bill. For his own part, he should always rejoice in the flattering reception it had given to that bill. Its principles he had defended. They had met with the approbation of the House; a circumstance as honourable to him, as the rejection of another bill, framed on a different ground, was disrespectful to its author. To assert, therefore, that any demerit was imputable to him on this account, was insulting the sentiments, and arraigning the decisions of the House. It was an assertion grounded in prejudice, unsupported by argument, and unfounded in common sense.

He himself was no dictator, nor did the party to which he had attached himself, and of whose coincidence of sentiment with that of his own he was proud to boast, assume the air or the character of dictators. He had never renounced his allegiance to that House. He had never stood forth, in opposition to its decisions, the avowed and unconstitutional advocate of royal prerogative. He had never called himself the minister of the crown. He had always acted agreeably to the decisions of the House, and the interest of his constituents. If such was the conduct of a dictator, if such were the sentiments of a dictator, he was bold to acknowledge them, and to avow that he gloried in them.

Much had been said of the subordinate appointments of that administration with which he had the honour and the happiness to be connected. He was convinced that merit had, on this point, ever been the rule of decision. He

therefore challenged and dared enquiry on this ground, and would even hazard his reputation on the decision of this question.

The noble lord had affected a disrespect for the late resolutions of the House, respecting the present administration. These he had treated in a manner not altogether becoming the character of a member of the House. These resolutions, however, he thought himself bound to believe well founded, till such time as they were rescinded, or as they appeared to him to rest on false grounds. The noble lord had expressed a hope, that they would soon be rescinded. He wished to meet the noble lord on this ground. He hoped he would make a motion for this purpose at a subsequent meeting, not far distant. He wished therefore to rescue himself, his friends, and the House from the false imputations of the noble lord. His character and his principles he had never laboured to conceal; with respect to them he challenged enquiry. He was conscious of his own integrity, and confirmed in the rectitude of his own conduct by the repeated resolutions of the House. He had never assumed the character of a dictator. He had never appeared as the mean candidate of popular approbation. He had never stood forth the unconstitutional champion of prerogative. He had never attempted to destroy the equality and importance of individuals by trying them by their property; nor had he ever asserted, that the great and opulent were the only persons that merited the attention of the sovereign, or respect from the legislative or executive administration of the country. These were charges from which he was exempt, and which he hoped would never be laid at his door.

The motion of adjournment was then put and agreed to.

Mr. Grosvenor's Motion for an efficient, extended, and united Administration.

February 2.

On the 26th of January, a meeting of such members of the House of Commons as were anxious to promote a coalition of parties, met at the St. Alban's Tavern. Their numbers amounted to near seventy; and an address was immediately agreed to and signed, and ordered to be presented by a committee of their body to the Duke of Portland and Mr. Pitt. The address was expressed in the fol-

lowing terms: "We, whose names are hereunto signed, members of the House of Commons, being fully persuaded that the united efforts of those in whose integrity, abilities, and constitutional principles we have reason to confide, can alone rescue the country from its present distracted state, do join in most humbly entreating them to communicate with each other on the arduous situation of public affairs, trusting, that by a liberal and unreserved intercourse between them, every impediment may be removed to a cordial co-operation of great and respectable characters, acting on the same public principles, and entitled to the support of independent and disinterested men." In answer to this address, both parties expressed themselves desirous of complying with the wishes of so respectable a meeting; but the Duke of Portland conceived that he could not have any interview with Mr. Pitt, for the purpose of union, so long as the latter held his situation as prime minister, in defiance of the resolutions of the House of Commons. On the other hand, Mr. Pitt declined resigning, either actually or virtually, as a preliminary to negotiation. In order to co-operate with and assist the exertions of the meeting at the St. Alban's, Mr. Thomas Grosvenor, the chairman of that meeting, moved on the 2nd of February in the House of Commons, "That it is the opinion of this House, that the present arduous and critical situation of public affairs requires the exertion of a firm, efficient, extended, united administration, entitled to the confidence of the people, and such as may have a tendency to put an end to the unfortunate divisions and distractions of this country." The motion was seconded by Captain James Luttrell, supported by Mr. Powys, Sir Peter Burrell, Mr. Fox, Mr. Byng, and Lord North; and opposed by Sir George Cornwall, Sir Edward Astley, Mr. Martin, Sir Cecil Wray, Governor Johnstone, Mr. Pitt, Mr. Hammet, and Mr. Rolle.

Mr Fox said, he adopted the motion with the utmost readiness. He would not, however, consider it, or have it considered by the House, as including a sense which it did not bear, and with which those who acted with him could not agree. It was, in his apprehension, substantially the same with that which the public expected this day from the House. It went to all the points which gentlemen could wish, as it expressed a sentiment in which the public seemed not a little cordial, namely, that the present situation of this country with respect to an administration, was, at least, not altogether satisfactory. In such an idea he doubted not every one was ready to join. He did not, indeed, conceive how a different opinion could be entertained. At least, all those who contradicted this idea, were, in his mind, bound to shew that all the House had been doing for some time back was radically and essentially wrong. Conceiving the proposition as thus stated, he would give it his firmest and most cordial support, which he begged the House would believe he would not do from any motives of accommodation whatever. The sense in which he understood it, as

stated to the House, struck his mind as a complete approbation of all those steps which the conduct of ministry had imposed on them, and which they could not depart from till the ministry set them an example of relinquishing their situation. It gave decision to their proceedings, and proclaimed aloud that they were not content with those who at present filled the ostensible departments of state. And he would be glad to see the man who would give the negative to this proposition. What but this discontent, this ominous, this portentous discontent, could have proved such a bar to public business?

Under this notion of the resolution now moved, he felt it his duty to recal the attention of the House to a variety of topics, of which no man who revolved in his mind the dissentions which at present prevailed, could be wholly ignorant. These constituted the subject of every public and private circle in the kingdom, and very justly, seeing that they involved whatever was dear to men, either as individuals or members of one great society, whose happiness depended on the issue of the present dispute.

Gentlemen were not to learn that the weakness of any administration, in rendering it inefficient, must also render it a bad one to this country. For what was to be done without a parliament? How were public affairs to be carried on against the representatives of the people, not only without their concurrence, but in flat opposition to their desire? Thus circumstanced, the best man on earth would be inadequate to such a situation. The government of this country did not require ability or virtue singly or combined, nor any other personal qualities of the most popular description possible to conceive. But all these united were absolutely insignificant without such an influence as would always carry the House along with it on every material and interesting question.

Why, then, did the House make it a point to remove the present servants of the crown? Not certainly from any personal motives or aversions, but solely because their retaining their situation on the grounds of an undue and unconstitutional influence was an impediment to the progress of national business. This was an object on which the several resolutions of the House, concerning the aukward condition in which they stood, in regard to the executive power, undoubtedly were founded; and till these were done away, it was impossible any solid union, any form of union whatever, between the two sides of the House, could take place.

His opinion of such an union as had been desired, was no secret. He thanked God the personal sacrifices which he was or might be called to make, would prove no obstacle whatever. A punctilio between persons merely, was pitiful and absurd

indeed, where so much was at stake: no man could expect any thing like a relinquishment of principle or honour; and these great and essential qualities secured, what had any man, who wished well to his country, which he would not renounce in her favour? Was it personal consequence or personal pride which could stand a moment in competition with duty? He, for one, detested the imputation. The present state of the country demanded a permanent administration, and where was the individual who did not think himself bound by every obligation which could attach the heart and affections of a man to his country, to mankind, to contribute all in his power towards effecting this great event?

He trusted at the same time it would, as it well deserved, be remembered that they were not now settling any point of ceremony among persons. The punctilio which remained to be adjusted was, in fact, between the House and the servants or servant of the crown; and the question now to be decided was, whether his opinion, his authority, or that of the House was to prevail? Should he be able to support himself against a majority of the House, then the business of the public was at an end; or should his obstinacy and lingering in office weary those who had hitherto opposed him of doing their duty, and by that means secure him ultimately such a majority merely as might carry on the objects of parliamentary discussion, from that moment the constitution would be irrecoverably ruined. This great object stared every man of sense in the face. It was big with mischief, as terminating in a dissolution of that divine constitution which had already subsisted so long and so gloriously.

The prerogatives of the crown were mentioned by two honourable baronets, as not a little affected by the conduct of the House; and one of them had expressly declared, that so far as it interfered with that of the crown chusing its own ministers, he could not go with it. He was sorry it had so happened during this important debate, that the distinction which the constitution had established between a free and an absolute monarchy, had required so often to be stated. He declared, that the most consummate ruin would be the inevitable and immediate consequence of carrying any of those prerogatives which distinguished the respective estates of the constitution to excess. Were this House on all occasions to be constantly overawed by prerogative? Were the royal powers which the constitution vested in the crown intended to have such an operation? No man, he trusted, would hold such opinions; no man dared to hold such language in a free parliament.

Many were the prerogatives of the commons; but who would affirm that these were intended to act in a manner op-

posite to, or inconsistent with the public welfare? It was precisely the same case in both. His majesty had undoubtedly the power of chusing his own ministers, and the House of Commons of assigning the supplies. But were the one to take into his service any men, or set of men, most desirable to the royal inclination, without any regard to how such an appointment might operate on the public, might not the House, with the same propriety, withhold the purse of the people? Both extremes ought to be avoided, because equally injurious to public welfare and that constitution which depends on the tendency of all its separate and combined virtues to this one great and substantial object.

This he stated only to shew how carefully the several powers of the constitution were guarded against that proneness to abuse or prostitution which still adhered to all executive governments; and we were undoubtedly taught by it this important lesson, that the crown was endowed with no faculty whatever of a private nature; that all its functions were instituted for public benefit; and that whenever they were otherwise employed, the constitution and the country were essentially affected.

But why had this House so much interest in the choice of ministers? And why were all the operations of the constitution endowed with this public tendency? The reason which to his mind was perfectly satisfactory, was, that as the business of the public was only so many actions of confidence and trust, the minister was consequently under the necessity of possessing their good opinion in a very eminent degree, in order to be qualified for guiding an active and vigorous government.

In voting for the army extraordinaries, in voting especially for the navy, and in voting for a variety of other things, he considered the House as voting literally, and in every sense of the word, so much credit. How, then, was the minister, who opposed a majority of the House, to possess this influence? How could he command these things, which must, however, be done, and without which there could be no government, no constitution, not even the vestiges of what we had always been,—a people not less illustrious for our liberty than for our greatness? While, therefore, the duty of a minister consisted in coalescing with a majority in parliament, and in bowing to their decision, it was madness to think of existing a moment in such a capacity without that necessary and constitutional support. It was here they were to look for a sanction to all their measures, where they might expect an assistance equal to the exigency, and where they would always find an asylum from those who disliked and wished to destroy them. This would give them dignity and weight, and second all their

exertions. But without this, no sort of influence, whether personal or relative, would do them any credit, or bring them any solid sanction. His worthy colleague (Sir Cecil Wray) had referred to the people; and another honourable gentleman had stated it as hard, that for the sake of mere punctilio, the House should be obliged to address his majesty, to change his ministers, or the people to displace one who possessed their confidence.

He thought it was but fair that the matter should be stated correctly to the House. It was a good argument to say the people of England were not represented sufficiently, when that was the subject before the House, as it then had its natural influence, and answered the purpose for which it was intended. It was an unfair, and not a true mode of reasoning, to say that this House was not a full representation of the people, therefore its authority was of no weight in the constitution. Did not this give the crown such a manifest advantage in the constitution as put it in imminent danger? Might he not say, since by your own confession, the people are not represented, the House of Commons must be insignificant and useless: the business of the country can better, more expeditiously, and with greater unanimity, be carried on without it?

In that case, where were the people of this country to look for relief or find protection? Not certainly in the House of Lords. For however that part of the legislature operated, no man would say it ever could be of any consequence as one of the great barriers of freedom. The only constitutional asylum of genuine liberty, he knew, even in this land of liberty, was the House of Commons, where the people of England assembled by their delegates and claimed a weight in the government, which they did in no other kingdom in the world. He wished gentlemen, therefore, would beware of extending their wishes for a reform of the representation any farther than was just. That the House was, in its present constitution, but an imperfect representation of the Commons of England, no man was more ready to own, and no man would go farther lengths than he would in accomplishing a reform in that very material particular. But it was improperly applied to the present question; for it went to annihilate that system of representation, which it would be dangerous to do before there was a better in its room.

The honourable baronet, too, had appealed, for the sense of the people, to the variety of addresses which were manufacturing, probably for the purpose of flattering the present administration. These at least were conjured up in such a manner, made their appearance in such a questionable shape, and owed their existence to such means, that, in his opinion, they

might well damn a very strong, but could never prove any very solid support to a weak and tottering administration. He could only speak of those places of the country which he knew; and many of these were certainly not the least respectable in the kingdom. But in these all was hitherto sullen silence. No one more patriotic than others had yet, in a variety of the most capital counties in the kingdom, come forward, and urged this acceptable measure. In Middlesex his worthy colleague would own there did not seem any very active propensity for a measure thus courtly and desirable. The artifices used so near at hand were no inexpressive specimens of those which, being at a greater distance from the scene of action, could be the more perfectly accomplished, without that ridicule and contempt which were the certain concomitants of detection.

He had also heard of an address in the city of Westminster, which undoubtedly was one of the most curious and singular that ever was carried any where, or by any individuals, of any description. This would, to be sure, flourish, as well as another of the same sort, in a gazette; but he believed his own colleague, fond as he seemed to be of such a mode of collecting the opinion of the people, would not like to join the party who should present such an address at St. James's. He, for his own part, was astonished that any ministry or party could be so eager to retain their situation, or so solicitous for a confidence they had forfeited, as to think that the good sense of the people of England were to be thus abused. To imagine that practices of this description would conciliate the good opinion of the public, was in fact treating them with indignity and insult. A device so shallow and barefaced was enough to ruin the best cause; and were it even to be adopted by the best men, would also ruin them: he trusted the people of this country would not rashly take their opinion from a medium so grossly and palpably partial. Indeed, there was at present no other legal way of learning what the general voice was but the sense of the House; and by that, till another, a better, and a more decisive one took place, they were bound by the constitution, strictly, firmly, literally, and uniformly to abide.

Here, then, was the great obstacle to that desirable union which so respectable a body of individuals in that House had so much at heart. The right honourable the chancellor of the exchequer, for no reason he has deigned to give, will consent to resign a situation, which it were treachery to the House, to the public, to the constitution, to admit. The resolutions of the House were opposed to him as the minister of the crown. Whether, therefore, are these to be supported in opposition to the minister, or the minister in opposition

to these? Would such a competition bear a question in this House? He does hold his head high enough, but the dignity of the House must not yield to him, nor to any individual whatever. What reasons has he once condescended to produce for his strange, unprecedented conduct? Can he imagine that this House are to credit his bare assertions, in flat opposition to the most decisive circumstances? Might it not be expected that any one in such a situation would be glad to afford the House every satisfaction in their power? Has he in any case whatever signified the least inclination of this kind? And what construction less than a direct insult to the dignity of parliament, not to mention the feelings of individuals, can such a demeanour bear?

But the right honourable gentleman, with the most provident attention to those affairs which his peculiar obstinacy so essentially mars and deranges, must see the probability of a firm and efficient administration before he gave way to the wishes of the people. This very odd kind of a reason was easily accounted for from his official relation to the learned gentleman (Mr. Dundas) who sits with him on the same bench. He, for one, would not easily forget the language of that learned gentleman on an occasion similar to the present in one sense, though extremely dissimilar in another. When his noble friend in the blue ribbon, (Lord North,) had been urged to retire from office, the learned gentleman, who will always resist such arguments against his own party with all his ability, was anxious to know among the candidates then for office, who were most qualified to succeed; and this he urged as a reason for the former ministry keeping their situations, that those who had, as he thought, an eye to their places, were not in unison among themselves. But how did the right honourable gentleman turn that argument? Why, said he, are those on this side of the House to be catechised, because you on that are inadequate to your situation? An answer which, if good then, must be good still. Then, with what propriety could this be assigned as the ground on which the minister keeps his place, since it might have been much more appositely urged when he assumed it? Those whom he succeeded made use of no such language. They knew their duty was obedience, and they submitted. But surely if there can be any force in the reasoning, it was then much stronger than now. What probability had the right honourable gentleman to erect a solid and permanent ministry against those who possessed a majority of this House, of so decided and complete a kind as has hardly been exemplified in our times?

He would not, therefore, say how far the precedent might

go. He would not use the indecent language of calling any individual in that House a dictator. He trusted parliament would ever prove equal to its own protection, especially against the ambition of its own members. But he was not a little apprehensive, that this enormous power might one day be assumed by the crown. For where was the independence or freedom of the House, when once a ministry was admitted over whom they had no check? This, in his mind, was a state of insignificance, beneath which they could not be degraded; and he did trust they would not now suffer any thing whatever to have this fatal effect on the House and the constitution. At the same time, though he was sincerely of opinion the right honourable gentleman meant nothing unconstitutional in his own favour, his conduct went immediately to put the crown in the situation of dictator to that House. It deprived them of that controul over every branch of the executive power which they were meant by the constitution to have.

The motion now before the House aimed at a broad and extensive union of parties. The very respectable gentlemen with whom it originated had this in contemplation when they agreed to put it to a vote. He had stated what struck him as some of the most apparently insurmountable obstacles which still stood in the way of this desirable event. For his part, he had no objections to the men, but to the mode in which they had come into power. This was the fatal precedent which this House could not get over, and which he, for one, would not by any means, or on any consideration whatever, give way to.

It had been said by the honourable gentleman who seconded the motion, that neither of the two leaders who divided the House could defend themselves without the other. This statement of the fact he begged leave to dispute. Whatever their relative situation might now be, while the constitution had continued uninfringed, a more complete and flattering majority had never accompanied any administration. He would consequently beg that the relative strength of the parties might not be stated in their present unequal situations. The fair and only just way of comparing them was, by attending to those majorities which they commanded in a similar situation; and here the comparison palpably halted. This, however, he did not mention as any hindrance on his part to what was so much the wish of the House. He never had at any time of his life dealt in general proscription. It had always been a maxim of his, that when the cause of animosity ceased, there should be an end of animosity. It was on this great principle he had coalesced with his noble

friend. He held it unmanly and unjust in an extreme degree to insist on proscription without retrospection; to condemn any man, and yet refuse him a fair trial. Those gentlemen were consequently consistent with themselves, who, while they condemned the coalition, were still for calling his noble friend to an account. This reasoning would sufficiently evince how well prepared he was even for a coalescence with those, whose present unconstitutional situation he could not but censure. Many who now held offices under the crown might still hold them in a manner more honourable to themselves, as well as more beneficial to the public. Among these, the right honourable gentleman would always occupy a capital department with every administration to whom he could attach his talents and exertions.

Here the great hinge of the business rested. Find some expedient to annihilate this difficulty, and he doubted not every lesser one would give way. There were, however, several of these, which some gentlemen on both sides might consider as not easily to be got over. Their notions on India affairs were not identically the same, and that influence by which they had seised the reins of government must be understood, with a variety of other collateral points, which could only be discussed subsequent to the resignation of ministers. Gentlemen must not therefore expect, that in giving way to the union proposed, he could yield those things which would either dishonour him or the House. He had gone as far on this delicate subject as he possibly could go, and he hoped no man would urge him to go further.

Surely the House could never forget that the present contest was not against men but ministers unconstitutionally called into office. It was this systematic influence of an undue tendency that he had ever struggled against, and which he would continue to struggle against while he had a seat in that House. He was surprised not a little that the right honourable gentleman, in opposition to a principle so plain and constitutional, should continue as he did to bid defiance to that majority in parliament by which their decisions were regulated, and without which no minister had ever presumed to look the House of Commons in the face. What could be his object? Did he imagine that his own arm would bring salvation to an empire thus reduced by a principle to which the behaviour of the right honourable gentleman was so strong a confirmation? Could any one doubt that his noble friend would have been still in office but for his resolution to discountenance every appearance of that influence which was so perfectly unknown to the constitution?

It was a dark, but powerful one, so occult in its operations, and yet so forcible at the same time, that no individual could ever be a match for it.

Surely, if this pernicious evil was ever to be redressed by an individual, the right honourable gentleman's noble father was equal to the task. He at least had more popularity, more talents, more success, than any other minister this country ever had; and he would undoubtedly have done much but for one imperfection, which Mr. Fox said he had always deemed his greatest. He trusted too much to his own superior abilities, which, transcendant as they were, were completely overcome at last by that secret influence which had since done so much mischief.

For his part, he was sincerely disposed to the same object. It had ever, and he hoped ever would have, his cordial abhorrence. But he would never go on the Quixote errand or forlorn hope of thinking his single exertions equal to a task so enormous. This had determined him to unite with all the forces he could muster together, and the event proved how proper his precautions had been, and at the same time how ineffectual. This object, while it continued in full force, rendered all the efforts of the House, towards any reformation in the constitution, nugatory and abortive: and it mattered not much who were in or who were out, while the system continued so perfect, unbroken, and connected throughout. It was this baneful system which had proved so prolific of calamities to this country; and to oppose such a system with effect, the House could not depart from the spirit it had assumed. Was it possible, after considering these things fairly and deliberately, to account for the obstinacy of the minister? What motive could prevail with him thus to tantalize the public, and insult that constitution which constituted our greatest excellence and glory? By what topics could the secret advisers of his majesty blind at once the minds of master and servant? How was it possible for them to find any thing like reason in their persuasions and importunities on a point so obvious and notorious? Did they presume to tell the minister that he would depart from his dignity by acceding to the wishes of the House? Could he believe that such an idea would correspond with the sentiments of the right honourable gentleman, he should not think so highly of him as he did. Where was the condescension in yielding his own judgment to theirs? In preferring the collected wisdom of the House to his own understanding? In his mind, this would be paying that deference to parliament, which, instead of letting him

down, would raise him in the opinion of all who had any solid regard for the constitution.

Was it, then, a lessening of majesty to suppose his choice in this instance to have proved thus abortive? O foolish advisers of their king! exclaimed Mr. Fox. He whose only and most glorious throne is in the hearts of a loyal and grateful people, to be thus at variance with their representatives, does your advice peculiar credit! Ye would honour him with the foulest dishonour that ever can happen to a sovereign! We would make him respected all over the world; we would make him a blessing to his subjects; we would make his reign happy to himself, and happy to all who are interested in his prosperity; we would make him the glorious and patriotic monarch of a contented and pacific nation: but your counsels are the direct opposite of all this. How do you exhibit him all over Europe? Not as possessing the cordiality of his subjects, or in friendship and amity with this House, but as squabbling and contending against those on whom he depends, from whom his supplies originate, and without whom his prerogatives are insignificant and useless.

These things he had thus stated, that the conduct of the House might not be misconstrued and coloured so as to abuse the public, and give an appearance to their actions contrary to the truth; for it was now as evident as language could make it, that it was not a contest between parties, or between any description of men, but between that House and some individuals who had thought themselves, from what motives nobody knew, in a condition to despise its resolutions and its censures. This was no private, no sinister contention, at least on one side, but an open one, in which the minister and the constitution were parties. It could, therefore, be no question with those who were firm friends of the one, whether they ought to be connected with the other or not. The constitution and secret influence were at odds, and the decision could not be very distant. He, for one, had exerted himself ever since he came into public life, against that secret influence; and he would continue his utmost efforts for the annihilation of what had ever struck him as the greatest curse to which this country was subjected.

The way to power by this strange channel was totally inconsistent with the liberal genius of that freedom which had ever been the glory of Englishmen. On this system, what was a minister in the British House of Commons but a counsel for the crown, against the interest and inclination of the people, whose power in the scale of the constitution being thus annihilated, their representatives were the merest cyphers, and could only have permission to sit in that House while a

shadow of their concurrence was necessary to the demands of the crown? They would then find the measure of their insignificance complete; and the constitution, for which their ancestors fought and bled so gloriously, would perish by those very men whom they delegated to be its guardians.

It was, therefore, in his opinion, impossible to recur too often to the great and only principle at issue. He was consequently prepared for the present motion, and could foresee that the gentlemen on the other side would oppose it only on the ground of its not coming home to their ideas of influence, of its not affording them any covert for their preposterous conduct. He protested, however, that it was not known to him before he came into the House, and that he most cordially and sincerely adopted it from the fullest conviction that it came up to all the ideas of the independent part of the House on the subject.

The resolution moved by Mr. Grosvenor was agreed to *nem. con.*

Mr. Coke's Motion against the Continuance of the present Ministers in their Offices.

As soon as Mr. Grosvenor's motion had been agreed to, a second resolution was moved by Mr. Coke, which had for its object the reprehension of Mr. Pitt's refusal to resign, declaring, "That it is the opinion of this House, that the continuance of the present ministers in their offices is an obstacle to the formation of such an administration as may enjoy the confidence of this House, and tend to put an end to the unfortunate divisions and distractions of the country." This motion occasioned much debate. The ground on which it was combated by Mr. Dundas and others, was the growing popularity of the new administration; and the House was therefore adjured not to provoke the people to go to the foot of the throne, and implore the crown to rescue them from its tyranny.

Mr. Fox was happy to find that the learned gentleman who spoke last, had of late become so attentive to the sentiments of his constituents, and of the elective body of this kingdom. Time was when he had asserted that the voice of the people was no where to be heard but within those walls; and that was the period when the table was loaded with peti-

tions to the House from all parts of the kingdom. It was at this time that the learned gentleman had insulted the dignity of his constituents and of the nation, by asserting the dignity and the independence of the House of Commons. Now a different mode of reasoning suits him better, and he has adopted it. But where is that popularity of the present administration on which the noble lord rests? Upon what evidences does it stand? If this point is so fixed, why are not the proofs of it more obvious and decided? Why do not gentlemen call meetings, muster the friends and partizans of ministry, and carry their addresses to the throne? Till this is done, till the fact is proved, I for one will question its truth.

But though the popularity of the present administration is not ascertained, yet I will not hesitate to affirm, that there is an intention in ministers to establish themselves on a foundation unfriendly to the constitutional privileges of this House. They court the affection of the people, and on this foundation they wish to support themselves in opposition to the repeated resolutions of this House. Is not this declaring themselves independent of parliament? Is not this separating the House of Commons from its constituents, annihilating our importance, and avowedly erecting a monarchy on the basis of an affected popularity, independent of and uncontrolable by parliament? Such a scheme I can view under no other aspect but as a system of the basest tyranny, and calculated to accomplish the ruin of the liberties of the country.

Such a system of despotism is, indeed, the most likely to originate in men who carry on their schemes by the machinations of dark intrigue, of men who have stabbed the constitution, by means of a secret influence in one department of government, and are now prepared to perpetrate similar assassinations, by methods of the basest corruption, in another. I hope, however, that members will attend to these designs of ministers, masked under the most dangerous and imposing appearances, and that they will rescue the country from the hands of those who are only distinguished by the dirtiness of their political intrigue, and their violations of the privileges of the House. I hope that such ministers will finally see the danger of their situation, and that this House will no longer suffer itself to be insulted by its own moderation.

The learned gentleman has declaimed on a topic often touched on, namely, that there is no charge against the present administration. But has not the House condemned them on a ground which is decided, which they have not had the effrontery to deny? If this accusation is not true, why do

not gentlemen come forward and disown it? In such situations silence is surely the most damning part of guilt, and better than a thousand witnesses. The learned gentleman wishes to deter members from voting on the present occasion, who have voted for the adoption of the last resolution of the House. He asserts, that the present motion has a tendency to destroy unanimity, and to prevent a junction of parties. But does he reflect, that by refusing to listen to its calls, ministers more effectually frustrate the intentions and the desires of parliament? They defy the decisions of the House; and it is they, and they alone, who open those breaches which at present prevent the union that is so ardently desired. Whilst a motion, therefore, of the nature of that on the table is absolutely expedient, I wish that the world may know who the persons are who have rendered it necessary.

The proposition before the House is no abstract maxim, separate from its former resolutions. It is, on the contrary, connected with, and is a consequence of them. Those, therefore, who have voted for the one, are bound and engaged to vote for the other; and those who separate their assent to the one, after having given their concurrence to the other, sell and betray the dignity, the honour, and the reputation of the House. It is a maxim in all well-regulated governments, that a period should be put as soon as possible to civil distractions. But how are the distractions of the present times to be remedied? A middle way of accommodation has been desired. I know no middle way of accommodation but this, that ministers descend from their situation, that they resign their offices, and cease any longer to defy the maxims of their ancestors, and insult the dignity of the House. I wish, however, at a crisis of so much consequence, when the reputation of the House, and the interest of the country is at stake, that no rash measure may be adopted, that we may pause over every step in our procedure, and that we may adopt, with proper solemnity, those measures which must finally restore the insulted honour of the House. A good deal has been said respecting the prerogative of majesty to chuse its ministers. The same observation is, however, applicable to this exertion of privilege as to every other of a similar nature. The crown has an exclusive right to make peace or war; but though it is invested with this privilege, would it be safe to exercise it without consulting parliament? I am sure it would not; and I am equally satisfied that the prerogative in the election of ministers in opposition to the House of Commons, is a measure as unsafe, as unwarranted, and as unjustifiable. Reasons have been alleged by the right honourable gentleman over the way for his retention of place.

These pretences, however, I must consider as nugatory and trifling. The right honourable gentleman asks if this motion is to be followed by an address? This question I will answer by asking another; namely, What will be the consequences of the present resolution on the right honourable gentleman's conduct? The sacrifice which the House requires of the right honourable gentleman is not so humiliating as what he demands of the House. He complains of the distraction and anarchy which prevail in the country; but let me ask him, who is the cause of these calamities? Can an administration act with vigour without the confidence of the House? Is not his obstinacy, then, in retaining his place in defiance of Parliament, the cause of those evils of which he so pathetically complains? Attacks have been made on my popularity. My invasion of chartered rights has been held up as a stalking horse to the public. I have been charged with ambition. But on what grounds have these accusations been established? Have I ever set myself in defiance to this House? Have I ever sought power through the means of base corruption, or dark intrigue? No: my ambition has ever raised me above such modes of preferment. I have never sacrificed my principles to popularity, or to my ambition. I have ever acted openly and fairly. I would rather be rejected, reprobated, and proscribed; I would rather be an outcast of men in power, and the follower of the most insignificant minority, than prostitute myself into the character of a mean tool of secret influence. I call, therefore, on the country gentlemen to stand aloof from a ministry who have established themselves in power by means so unconstitutional and destructive.

Mr. Pitt threw himself on the candour and justice of the House: but declared firmly, that he would not by any managements be induced to resign. To march out of his post with a halter about his neck, change his armour, and meanly beg to be readmitted, and considered as a volunteer in the army of the enemy, was an humiliation to which he would never submit. Some of the members, who still continued their endeavours to effect a coalition, wished the previous question to be put on the motion, with a view to try whether the House would consent to rescind the votes of censure they had before passed, as a matter of accommodation; declaring, if this was not done, they should consider themselves as bound to support the present question: that those resolutions and the present administration ought not to stand together; that the authority of the House must be supported, and that the pride of an individual ought not to stand in the way of it. On the division the numbers were,

	Tellers.			*Tellers.*	
YEAS	Lord Maitland, Mr. Byng	223	NOES	Mr. Steele, Mr. Robt. Smith	204

So it was resolved in the affirmative.

RESOLUTION OF THE ST. ALBAN'S ASSOCIATION AGAINST THE EXCLUSION OF EITHER PARTY IN FORMING A NEW MINISTRY.

February 11.

THIS day Mr. Hussey took occasion to observe, that he sincerely trusted Mr. Pitt would not let any obstacle which he had power to remove, stand in the way of an efficient and united administration. He hoped the same complying and accommodating disposition from Mr. Fox. Much and laudably as a very respectable body of that House had laboured to effect this object, it was still at a distance. He most ardently wished gentlemen on both sides would, by such concessions as they could make, cordially and manfully give way, not to each other only, but to the calls and exigencies of their country; which, while they were contending, felt the consequences to its vitals. An honourable gentleman in his eye, who filled the chair in the meeting to which he alluded, would, he trusted, read to the House the Resolution to which they had that day come; and he wished the House might seriously attend to it. Upon this Mr. Charles Marsham expressed what he thought to be the unanimous sense of the gentlemen who met at the St. Alban's. They were earnest in desiring a union of all the virtues and abilities which the country possessed, in order to effect something like an adequate remedy against the various evils under which it laboured. No man had a higher idea of both the two right honourable gentlemen opposite to each other than he had. Their principles, their virtues, and their abilities were in his opinion great, and might do honour to any government in which they could cordially unite. This was the government in which the wishes, he trusted, of the whole House, the whole nation, and every one who entertained any regard for the constitution most undoubtedly centered; and to such an idea all the resolutions which the meeting at the St. Alban's had yet formed were directed; and none more than the last. He then read the Resolution, which was to this effect: "That an administration, founded on the total exclusion of the members of the last, or of the present administration, would be inadequate to the exigencies of the public affairs."

Mr. Fox rose visibly impressed with the same ideas which had been urged by the former speakers concerning a general and substantial union of parties. The desire, in his opinion, which went to this capital object, was as laudable as it was general, and what little countenance it could derive from him, he would give it openly, completely, and unequivocally. It was obvious there could, at least on his part, be no personal animosity or spleen which might be thought operating to that effect in the least. He had been generally, and especially of

late, rather too apt to give way where any thing like personalities subsisted; and he trusted it would not be imagined his mind could be less yielding, where there never was nor ever could be any such thing. If there were, and those of a more palpable and irreconcileable nature than any thing he could imagine, this was not a time to cherish or indulge them: duty to the community at large, demanded every sacrifice which a man of honour and of principle could possibly make. This was not a period that admitted of any adjustment that related to the little punctilios of personal importance, and he trusted every public man, who seriously felt the increasing pressure of public affairs, would think as he did.

He would not now insist on the various necessities which urged from every quarter some decisive and immediate remedy. The news which had so lately arrived of a final adjustment between the Empress of Russia and the Porte was an object of great consequence. He would not discuss at this time the policy which he foresaw it might produce; but it required no great discernment to see that it would go a great way towards fixing the consequence of this country in the scale of Europe. Our connection with foreign courts consequently held forth a most important object of political attention to us, which required a management to which the confidence of that House was essential; and which, according as we acquitted ourselves, might be productive of the most pernicious consequences. The very report which had been just made from the committee on the frauds in the revenue, demanded an immediate and an effectual attention. If two millions of money could be saved to the revenue, it became a question why it had not been saved? The modes by which frauds to such a large amount had been practised were various, and must have operated on the public to a great extent, and with some degree of advantage. Wherever, and on whomever this money might be recovered, a burden new and extraordinary must unavoidably be laid. The reform meditated must affect certain parts of the country. However necessary that reform might be, those parts could hardly be supposed to acquiesce in it cordially. How, then, could it be effected? How could the regulations on which its efficacy and success depended, be executed without a government acting with the consent and sanction of that House as well as the crown? He trusted gentlemen would attend to these circumstances; the credit of the country called for every species of support which could be given it. This would inevitably occasion new taxes to a very unprecedented extent. He, for one, saw no other prospect of relief than by such impositions as would infallibly produce it. What administration, destitute of the confidence and support of parlia-

ment, could effect such an object? The unpopularity attending such measures as could no longer be withheld in consistency with public safety, would destroy the most able, active, and industrious ministry this country ever saw, without a very great majority of that House at its back.

These particulars, and a great variety of others, he stated with no other view in the world than to urge the necessity of an immediate union of parties. He, for his own part, saw no personal objection on either side, and he trusted the right honourable gentleman saw none. The House seemed so generally interested, and in some measure agreed in the idea of a coalition, that he thought them entitled to as full an explanation on that head as he was able to give them. He paid many compliments to the right honourable gentleman's abilities. He respected what he had always understood to be his political principles. None of these did any one whom he had consulted wish him to renounce. The union he wished to see take place was an union of principle, and he should not be the more sure of any man's principles from his readiness to appear implicit in the adoption of his. There could in his apprehension be no personal contention between the right honourable gentleman and himself. Whatever might have occurred in the heat of debate, he trusted they were both alike sensible, meant nothing personally disrespectful on either side. It was obvious the right honourable gentleman was not slavishly attached to the emoluments of office; he never thought he was, and he rejoiced that a late instance had so fully evinced that he was not. He trusted the House would also give him some credit on that score. No action of his life could be brought up, which in the least would fasten any very interested charge against him. So far their dispositions were not dissimilar. What was the right honourable gentleman's ambition? Was it not glory? A reputation grafted on the advantage which he trusted the country might one day reap from his exertions in her service. A nobler, a more magnanimous passion he would say never fired the human breast; and whoever was not animated by such a principle, did not, in his opinion, deserve any share in the public confidence; was no proper object of popular approbation; was not an eligible candidate for the attention and applause of Englishmen.

Here, also, he was not without hopes he should be permitted to put in his claim for some degree of confidence on the same principle. He protested that every other consideration was in his opinion trivial and of no weight; that no sacrifice was too great to be offered at such a shrine; and that he would go any lengths with any man who would shake hands with him in this truly glorious, truly patriotic, and truly con-

stitutional ground; and he was ready to own, that the right honourable gentleman had always appeared to him as aiming at the same great and desirable object. As on this subject, however, he wished to conceal nothing, he would say the only suspicion he entertained, and which had originated in the mode by which the right honourable gentleman obtained and kept possession of power, was, that he entertained an opinion that the crown might appoint a ministry, and persist in supporting them, who had not the confidence of the House. He wished he might find the suspicion ill founded, but he dreaded to find it true; for then an union on such a principle was impossible. It went to deprive this country of an executive government, in which the people had any concern, over which they could exercise any controul. All the instances of voting money was on a principle of confidence. The minister's influence in the House depended on what confidence they had in him; he was their trustee; to them he was responsible for every article of public expenditure. The very estimates to to be considered that night were instances of the same principle in the constitution; and every sum of money voted for the ordnance, was voted by gentlemen incapable of judging for themselves whether those sums were properly applied or not; but in confidence that Lord Townshend, the Duke of Richmond, or any other whose province it was to direct the business of that very important department, were competent to pronounce on the fitness of the objects for which this money would be applied.

He did not well apprehend where the difference between the right honourable gentleman and himself, in respect to measures, could lie. That concerning their several plans for the government of India, though decided already by the House, he was still willing to accommodate as far as possible. His bill, he thought at the same time, would be a loser by the new modifications to which he was willing to submit it; but he would gladly have it possessed of as much public confidence as possible. He was therefore happy to assure the House, that whatever seemed most objectionable with regard especially to patronage, would at least in a great measure be removed. Few exceptions on this very material point at least, would, he persuaded himself, remain, in consequence of the plan which he had now under contemplation; but notwithstanding this, should any discordance of opinion still continue on that head, he saw no impropriety in submitting even that to the discussion of parliament.

The only obstacle, then, which still remained, was the present situation of the right honourable gentleman. He declared the personal attentions or situation of his noble friend

(Lord North) would prove none. But there could be no cordial, no firm or efficient union, till the right honourable gentleman and his party submitted to the constitution of the country. The expedient referred to in the Duke of Portland's letter was, that they should cease to be the ministers of this country, but continue to support the etiquette of office till a proper arrangement could be made. He declared, however, that, as a man of honour, he saw no other hindrance to the union which had been urged than that now stated; that he could not treat with men while they refused to treat on constitutional grounds; that he meant only to support the constitutional consequence of the people of England; and that a negociation which admitted a precedent so destructive of it, was inconsistent with his personal honour, and with his duty to his country.

Mr. Pitt declared, that, for the reasons already given by him, he could not recede from his former determination. He allowed, that no minister could in fact continue long in office who did not possess the confidence of that House; but he denied that there were any constitutional means to force him to resign. The proper method of effecting his removal was by an address to the crown; till in consequence of such a measure, the king should think proper to remove him from his office, he held it neither illegal nor unconstitutional to retain it. With regard to other and subordinate considerations, he confessed that there might be persons with whom he could not possibly bring himself to act, without forfeiting that character of constancy which other gentlemen he thought had too much undervalued. If such persons there were, and they would consent to sacrifice their views, and to remove themselves out of the way of union, he thought they would do themselves honour, and merit the thanks of their country. These allusions called up Lord North, to whom they were manifestly pointed. He said, that though he did not feel in himself the least disposition to gratify the caprice or the unjust prejudices of any individual, yet what he should be unwilling to do for the right honourable minister, he was willing and ready to do for his country. That if his pretensions should be deemed any obstacle to an union, he should rejoice in removing it; but he apprehended that not himself, but the chancellor of the exchequer, stood in the way of union, since it appeared that nothing was now wanting for that salutary end, but that the right honourable gentleman should pay a just and dutiful respect to the resolutions of that House by retiring from a situation which he both obtained and held on principles they had repeatedly condemned.—The highest applauses were bestowed on Lord North for his noble and disinterested conduct, particularly by the leaders of the St. Alban's assembly, who called loudly on Mr. Pitt, but in vain, to yield to the pressing exigencies of his country. Notwithstanding the discouraging circumstances which appeared in the above de-

bate, the associated members still continued their endeavours to effect an union. They returned their unanimous thanks to Lord North and Mr. Fox for their open, candid, and manly declarations of their willingness to conciliate the differences subsisting between the contending parties, and an expedient was at length suggested, which, without any concession of principle on either side, but only a concession of mode, it was hoped might lead to an amicable negociation: this was, that the Duke of Portland should be requested by the king to have a conference with Mr. Pitt for the purpose of forming a new administration. This proposition was acceded to; and a message was accordingly sent by Mr. Pitt to the duke, in which he acquainted him, that he was commanded to signify to him "his majesty's earnest desire, that his grace should have a personal conference with Mr. Pitt, for the purpose of forming a new administration on a wide basis, and on fair and equal terms." This message was perfectly satisfactory to the Duke of Portland as to the mode proposed, but he wished to have the terms of the message perfectly understood between him and Mr. Pitt previous to the conference. The word "fair," he had no objection to; it was a general term, and they might, in framing the arrangement, mutually discuss what each considered to be fair: but the word "equal," was a limited and specific term, and therefore he wished to know from Mr. Pitt to what particular object it was intended to be applied. It seemed to promise slender hopes of a real union, and had the appearance of forming an arrangement more on the idea of having equal numbers of each party in the cabinet, than on mutual confidence and unity of principles. Mr. Pitt replied, that the word objected to would be best explained at their conference, and declined all further preliminary discussions. Two other proposals were offered by the Duke of Portland; the first, that he should be permitted to construe the message of Mr. Pitt to imply a virtual resignation: the second, that he might receive his majesty's commands relative to the conference from the sovereign in person: but they were both refused.—Thus ended all hopes of a coalition of parties; and the meeting at the St. Alban's closed their efforts with declaring, "that they heard, with infinite concern, that all further progress towards an union was prevented by a doubt respecting a single word; and that they were unanimously of opinion that it would be no dishonourable step in either of the gentlemen to give way, and might be highly advantageous to the public welfare."

THE KING'S REFUSAL TO DISMISS HIS MINISTERS. — POSTPONEMENT OF THE SUPPLIES.

February 18.

ON the order of the day being read for receiving the report of the committee of supply, Mr. Pitt and Mr. Fox rose together, which occasioned a moment's contention in the House, but the latter giving way, the former stated, that he only desired to say very shortly what the situation of ministers was previous to the question now to be agitated. He then declared, that his majesty had not yet, in compliance with the resolutions of the House, thought proper to dismiss his present ministers; and that his majesty's ministers had not resigned. This much he thought necessary to say, prior to any discussion on the subject of supplies. Upon this,

Mr. Fox rose. He said he had heard the declaration of the right honourable gentleman with the greatest astonishment and concern. It was, in his opinion, such language as this House had never heard since the Revolution, or, however, he might say since the Accession. What was it but a flat and peremptory negative to the sentiments and wishes of his majesty's faithful commons, who, ardently desirous of the public welfare, and the honour of every branch of the legislature, had taken the most cautious and delicate means in their power, not only of preventing every thing like a breach, but even of closing the wound when made? In what situation, then, did the House of Commons stand? To what a degree of insignificance were the representatives of the people, and the people themselves, reduced by this expedient? Could it be said that they had any longer the least influence in the constitution of the country? He would answer boldly and to the point. In his opinion the matter was nearly at a crisis. Was not this the first answer of the sort that ever had been received by the House from a Prince of the Brunswick line? A prince who was born and bred among a people who had long adored his personal and domestic virtues, to whom all the nation looked with pleasure and confidence, whose ancestors had laid them under the highest obligations, and from the qualities and virtues of whose progeny they had the most sanguine expectations; that he should have been the first to treat their humble and respectful representation with so little ceremony as a direct negative; language would not bear him out in stating the sentiments which a conduct so new and extraordinary undoubtedly impressed on his mind! Would

any member of the House pretend to say, that the present had any parallel in the history of the country, except in such times as one would wish, during the present contest, if possible, to forget? Was there not then actually existing, a variance between the House of Commons, and the other branches of the legislature? Was the message now delivered of a pacific or conciliatory tendency? Ought not every species of conduct, as things were now circumstanced, to have been as soft and accommodating as possible? Was it friendly to the liberties of this country, the constitutional importance of the people, or the consequence of their representatives in parliament, to have answered their wishes in a manner so very unsatisfactory? Gentlemen in private life regarded each other with so much respect and delicacy, as never, but in cases which could admit of no palliative, to contradict each other's desires. It was this mutual deference and complaisance which constituted the beauty as well as utility of social intercourse: and the powers which entered into the constitution of this country were actuated and kept alive by the constant and happy application of this great principle. Harmony rendered all the branches of the British legislature one, and rendered its operations effectual and consistent. But he would ask, what tendency his majesty's message had to produce that cordiality and union, which constituted the vital spring of the British government? Had not a majority of the House of Commons, almost from time immemorial, governed this country? Was it not a confidence in the House of Commons that gave energy and effect to every administration? Was it not the countenance and concurrence of the House of Commons which gave popularity and stability to the throne? Was it not in clashing with this radical and primary principle that so many calamities had happened in some of the reigns prior to the Revolution? Was it not to the influence of this principle that we owed all the glorious and memorable things that had been achieved during the war before last? What could be the reason for relinquishing a principle, which, ever since its prevalence, had been marked with the most striking advantages?

Now, however, was, it seemed, the æra fixed on for governing this country by other principles, without a House of Commons, and independent of the people. But, were the provisions so well established by the wisdom and experience of our forefathers to be set aside, and dismissed from the abstractions and theories of innovators, on a system which had stood the wonder and admiration of ages? He trusted the firmness, the magnanimity of that virtuous and respectable majority, who had gone so far and done so much,

would not desert them on this critical and trying occasion. He trusted they would face the difficulties they had to encounter, with resolution and dignity. They were in circumstances in which no House of Commons had been for many years; and as every thing about them must consequently bear a new aspect, their present duty was deliberation and attention. There was evident danger in every step; and it became them to think once and again before they acted. Now was the time to make a pause; and he trusted it would be a solemn and decisive one. The subject which demanded their consideration was unquestionably one of the most serious and important that ever had, or ever could demand their consideration. It was neither less nor more than what it became them to do under a circumstance so novel and unprecedented in the history of a free parliament, as to destroy their consequence for ever, unless some method was devised by which their honour and independence could be saved. No man could say this was not an object of great moment; or if any man could boldly come forward and assert that the House of Commons was not in a situation altogether peculiar to the present moment, he would only say, in return, that such a declaration would not be less extraordinary than the fact which it denied.

He trusted gentlemen, on a topic so near to every Englishman's feelings, would excuse his repetitions, as he thought, in his conscience, too much could not be said to rivet the novelty of the circumstance on the mind. It was at least unparalleled in the annals of the country which related to our most prosperous condition, and had not the shadow of a precedent, but in those melancholy times, which were still the opprobrium of our history, and involved a series of the most awful and affecting calamities that ever degraded and disgraced a great and brave people. If ever, therefore, any period was more big with calamity than another, if ever a design to annihilate the constitution was entertained, it seemed now to be that period, and that design. And when should the House pause on its situation, its duty, its importance, its interests, its connections, and the consequences of being reduced and suppressed, but when a proscription stared them in the face? For these, and a variety of reasons, he thought the present subject ought to be delayed. Men's minds, at least those who viewed the matter as he did, could not be in a state sufficiently cool and collected to view the matter maturely and dispassionately. They ought to be permitted leisure, that they might think on every word they said, and every measure they adopted, lest precipitation might derange them, so as to produce the greatest public difficulty.

He had, from a variety of such considerations as these, rose to suggest to the House the necessity and propriety of waving the question of supplies for a very short period, that gentlemen might come on a future day perfectly awake to the situation in which they were now placed by his majesty's answer to the resolutions, which, by an order of the House, had been laid before the throne. He did not conceive that any very satisfactory argument could be urged against a proposition so much justified by the present condition of the country at large, and the House of Commons in particular. He called on gentlemen to consider under what a description they would henceforth sit in the House, on the supposition that this contest ended in favour of the present ministry. Did it not completely overthrow their power in the constitution? Did it not reduce them to a state of the most perfect non-entity and insignificance? Did it not make them as little as ever their ancestors had made them great? Did it not strip them of all the powers and privileges with which time, the constitution, and the people of England, had vested them, and bring them back to that original insignificance in which some of our historians affected to place them? And was it not in such a progress of degradation as this, that the House was interested in making a stand, and exerting with all its remaining vigour its last efforts in its own preservation? He therefore urged gentlemen, by their regard for a government which had no parallel on the face of the earth, for the salvation of whatever they most valued as men and Englishmen, for all those rights, which, having derived unimpaired from their ancestors, it was their duty and their pride to transmit unsullied to posterity; to deliberate on where they were, how they were situated, and to what object these very uncommon circumstances tended. He asked how they could answer to their constituents and their own consciences, for having acted in such a predicament as the present, without caution, principle, or mature attention. These had marked, and he trusted would continue to mark, their conduct. He had a better opinion of their prudence than to imagine they were to be disconcerted or deranged by any thing they could now hear from a quarter so evidently hostile to their wishes, and which had contrived to act so long independent of their confidence.

He had often stated his conceptions of the prerogatives of the throne. The present question involved them very materially. That his majesty had a legal right to appoint whom he pleased, and even to continue those whom he had appointed, to be his ministers, in opposition to the sentiments of this House, he pretended not to dispute. But he was certain, on the other hand, the public money was trusted with

the House of Commons, whose right to distribute that money was at least not less legal. When, therefore, either the one or the other of these rights were asserted in the extreme, he could consider it in no other light than as a challenge; and the party thus defied was bound in duty to its own honour, calmly and deliberately to consider with itself whether it should take up the challenge or not. He did not know that any defiance more explicit and direct could be given to that House than the one which had just come from the right honourable gentleman. He hoped the House was not by any means prepared to accept of it without farther and more sedate consideration. Whatever their feelings and resentments might be, they would not, on an event so awful and portentous, he imagined, act with temerity or indiscretion. They were driven to extremes, and the consequences undoubtedly would be with those who imposed on them a line of conduct, which it was their wish, their united desire to avoid. How long it might be proper for them to maintain such a system of moderation and delicacy he did not know, but he was anxious they would depart from it in the present stage of the business as little as possible.

He had been singled out as constantly enjoining a doctrine respecting moderation and temper in the House, of which his own example was no very striking specimen: for such a turn to what he conceived to be his duty, he gave the author of it full credit. He was aware at the same time that the sarcasm did not, or at least but slightly, affect him; for he had always observed a material distinction between that vehemence which originated in debate and characterised the mode of individuals, and that violence or inconsideration which often affected conduct. The heat produced by argument, and the circumstances of a popular assembly, was very different from that precipitancy or temerity in action which was always the mark of weakness or design. He was ready to plead guilty to no very common degree of warmth where the subject struck him as interesting and important; but he appealed to the House, to the world at large, and to every act of his political life, whether any part of his public conduct had ever been distinguished by want of temper. He was happy to think that this at least was not his greatest weakness, and that the imputation so repeatedly and sarcastically aimed at him would, on the whole, be found more perfectly applicable elsewhere (looking at Mr. Pitt) than with him. But if ever any want of temper could for a single moment be indulged in that House; if warmth was ever justifiable on any subject, or at any time; if any emergency rendered it necessary for individuals to take an open and decided part in dispute, this, he presumed, above

all the very singular contingencies which distinguished our history, demanded an immediate surrender of every disguise. The point at issue admitted of no parley whatever. It was decided by one party. The other had no alternative but to render their decision as wide, as respectable, and as effective as possible; and he had the most perfect confidence in the prudence and spirit of the House. It was on such occasions as the present that great and conspicuous talents were called into existence, were roused into action, were exerted for the welfare of society; and he did not doubt but the ability of the present House of Commons, in spite of whatever artifices were practised against them, would bear them honourably through the conflict. They would find resources in the cause of the constitution and the people, which no other cause could produce, and which had always, in the face of every opposition and danger, proved ultimately triumphant.

The measures already adopted he had thought were separately and respectively adopted on the most solid and substantial grounds. These had partly been justified by the event. But it was now obvious they had not produced the whole effect for which they were proposed. Others were consequently still necessary. What these should be it did not become him to say, it did not become the House immediately to determine. But, in his opinion, something farther was necessary. The variance stated by the minister to subsist between the crown and the House could not but give something like a new turn to men's feelings and ideas. He confessed it to have impressed him with the most awful apprehensions; and was this a state of mind favourable to the discussion of a question which involved the peculiar distinction of that House? Could gentlemen deliberate maturely on a subject, which, whatever way it might be decided, would materially affect the interest and tranquillity of the country by its decision? He considered the message which they had heard from the minister as a greater calamity than any this country had endured for a century past; and the feelings and apprehensions of mankind could not help being alarmed for the probable consequences of a measure that put every thing sacred and valuable to the issue of who should ultimately prove strongest.

He was not ignorant by what reasoning the adjournment for which he should move would be opposed, though his conception could not furnish him with a single argument against it, which would not originate in misrepresentation. Gentlemen on the other side would put a construction on every word he adopted most perfectly foreign to his meaning. To stop the supplies, he knew as well as any man, was an expedient which could only be justified by the last extremity. He

begged, however, to declare, that he, for one, was not yet ripe to adopt such a strong measure. His faculties were in a state of suspension by what he had heard, which allowed him not to say what was most proper. The hesitation of eight and forty hours could not much affect the business of the country one way or other; and this was a respite which every aspect which could be taken of public affairs abundantly justified. But he solemnly and earnestly entered his protestation, against imputing to this conduct, which originated in delicacy for the honour of the House, any thing like a desire to put off the supplies. He knew the necessity of these, and no man could be more averse than he was to do any thing that must prove distressing to the country.

Why, then, were the House of Commons so circumstanced by the obstinacy of his majesty's ministers, or the advisers of his majesty, as that they could not preserve their own rights, the rights of the constitution, or the rights of the people, without such an assertion of their prerogative as must be attended with the most serious mischief? Who were to blame for all this, but those who defied a majority of parliament, and set up their own sagacity in opposition to the collected wisdom of the House? He was sincerely sorry any individual should so far forget his consequence, however respectable, as to think it beneath him to submit not to any personal etiquette, but to the honour of the House, to that voice which had always prevailed in the purest times of this country, to that decision which no minister till now had ever the hardihood to contest, to that constitution which it had always been the greatest glory of the greatest men to venerate and obey. What, then, was the principle on which we beheld at this moment a ministry without the confidence of the House of Commons? An executive government, in which the House placed no degree of trust whatever? How could a phenomenon in the constitution be accounted for on those great and liberal principles which had ever been its proudest distinction? He was unwilling to adopt any language that might be capable of misconstruction; but it was fair and manly to say, that the design of ruling this country without the voice of the people was now obvious. He would readily absolve the right honourable gentleman from any imputation of this sort, but he would not so readily absolve those who had secretly advised his majesty to appoint a set of men to the executive government of this country in opposition to a majority of the House of Commons. These persons, whoever they were, had adopted a system of politics totally inconsistent with the functions of that House, hostile indeed to the spirit and character of a free government. It was their

evident intention to render the House of Commons the mere tool and organ of despotism. He hoped the spirit of a brave and a free people would defeat the base design; but the design would not appear the less dark and disingenuous that it was not permitted to succeed.

He had long observed the machinations, hatched and harboured by a combination of persons, against the liberty of this country, whose political principles were too well understood to need any farther illustration. These persons had long endeavoured to have the voice of the people on their side, had long struggled to make the people parties in their own ruin, had long endeavoured to make them at enmity with their best friends, and to persuade them that those only who ran every risk, and sacrificed every thing desirable on their account, were most hostile to their interest, and least inclined, as well as least able, to do them any real service. This was one of their most capital manœuvres, which they were playing off in the face of a country bleeding at every pore, and under circumstances which rendered us the derision and contempt of all the world. But how was it meant to demolish the consequence and utility of this House? Had they not resisted every idea of delicacy which ought to have operated in favour of that majority which opposed the ministers they had put in, and continued to support? Had they not trifled with the voice and inclinations of the House, so forcibly and explicitly announced by the several resolutions in the Journals? Had they not procrastinated that issue which the business of the public and the wishes of the House had so long and repeatedly urged, till the patience of the House was nearly exhausted? He hoped that virtue would prove superior to the temptations it had now to encounter, though, as all delicacy was over with one branch of the legislature, some might think it ought also to be at an end with another. He was of a different opinion, and held it to be their duty to continue in the same prudent and respectful temper in which they had begun. Notwithstanding the plan laid to precipitate them into an immediate refusal of such supplies as were necessary for carrying on the public business, he was not without hopes that the House would act such a part as would justify them to their constituents. Whether they should go immediately into a decision which should finally settle the dispute between the privileges of parliament and the prerogatives of the crown, or whether some anterior step might not be deemed more eligible: what this would be, whether two or two hundred expedients might be most adviseable, were, in the present state of his mind, questions to which he dared not hazard an answer. He would only say,

in general, that whatever had the most distant promise of answering any pacific purpose, he, for one, would be anxious to adopt, and, if possible, by every expedient which human sagacity could suggest, to avoid altogether a discussion so hostile to public tranquillity.

He wondered by what principle the right honourable gentleman could reconcile his present situation to the feelings of his own mind. He was satisfied he could not be where he was from choice. Was every one, then, who saw and admired the display of his great and splendid abilities, more sensible of their present improper application than he was? He certainly meant no personal disrespect, and he persuaded himself the right honourable gentleman would not take it in that light, when he suspected he was the dupe of those who were enemies to the constitutional importance of that House. They presumed on his youth, the popularity which attended the family to which he belonged, and the illustrious name which he bore; and were he to use the same freedom in that House which one friend might use to another, and in a room with the right honourable gentleman alone, he would address him on the present contest in these words—"You are contending in the House of Commons not for the prerogatives of the crown or the constitution, connected with the exercise of these prerogatives, but for a set of men, who are only making you the instrument of their ambition, and that object gained, they will make you nobody. It is their intention to make you only an accessary to their own plans, and whenever their schemes are fulfilled, they will destroy your utility for ever. They make you exert your utmost endeavours to pull down this asylum of liberty, but you unadvisedly involve yourself in its ruins."—If therefore ministers were determined to brave the power of parliament, and oppose their own personal feelings to the honour of the House and the welfare of the people, they must abide by the consequence. The principle on which they acted was an everlasting bar to any prospect of unanimity in that house. He was alarmed more by this than any other circumstance whatever. It ever had presented to his mind a menacing aspect to the liberties, not of the House only, but of the country. It affected that great vital and active principle in the constitution on which all the privileges of Englishmen hung; and while that impediment remained, no coalescence could be expected. It placed an ocean between them, which it was impossible to pass, and put every wish of agreement or connection altogether out of the question.

These were a few of the circumstances which at present pressed on his mind the absolute necessity of a solemn pause. This question itself was a question of the last impor-

tance, when stated in an abstract and general point of view. He was, however, happy to find that the particular species of supply now moved was not immediately indispensable, and that no material disadvantage could possibly happen, at least for the very short space to which he wished the House to adjourn. He shuddered to debate a proposition of such magnitude.

"Tempus inane peto, requiemque spatium furori."

He wished only for such a pause as would allow gentlemen time to re-consider all the steps which had been taken, or might be farther necessary to put a proper period to the contest which had unhappily so long interrupted the business of the public; and concluded with moving that instead of "now," the report be received on Friday, the 20th instant.

The mention of refusing the supplies was received by the other side of the House as a threat, which even the utmost madness of faction could not seriously design to execute. The very right of such a refusal was questioned. The exercise of this privilege, in former times, was founded on principles which, it was contended, did not now exist. The settled revenues of the crown were then sufficient for all the ordinary purposes of the executive government, without an annual application to parliament; and it was only on extraordinary demands, such as for the prosecution of wars disapproved of by parliament, that the right of refusal was exercised; whereas, in the present state of our government, to deny the ordinary annual supply, would be, in fact, to dissolve the whole fabric of government. Mr. Pitt, without denying the right of refusing supplies in cases of necessity, contented himself with appealing to the justice of the House, whether his majesty's refusal to dismiss his ministers, because that House had thought proper to condemn them without a trial, was a justifiable ground for the exercise of it.

The House divided on Mr. Fox's motion for postponing the supplies:

	Tellers.			*Tellers.*	
YEAS	Lord Maitland Mr. Byng	208.	NOES	Mr. Macdonald Mr. Robert Smith	196.

Ministers were consequently left in a minority of twelve.

MR. POWYS'S MOTION, THAT THE HOUSE RELIES ON THE KING'S READINESS TO FORM AN UNITED AND EFFICIENT ADMINISTRATION.

February 20.

MR. Powys moved, "That this House, impressed with the most dutiful sense of his majesty's paternal regard for the welfare of his people, relies on his majesty's royal wisdom, that he will take such measures as may tend to give effect to the wishes of his faithful Commons, which have already been most humbly represented to his majesty." To this it was afterwards, on the motion of Mr. Eden, agreed to add, "by removing any obstacle to the formation of such an administration as this House has declared to be requisite in the present critical and arduous situation of public affairs."

Mr. Fox said, the question was of too much importance for him to give a silent vote upon it, especially after what had fallen in the course of the debate; before, however, he proceeded to touch upon any of the various topics that had been brought forward, he could not but express his satisfaction at the debate having been carried on as it had been by country gentlemen, by men perfectly independent in principle, and known to have no view to office, nor any motive whatever, but a wish to promote the public welfare. The opinions of such characters must at all times have their weight with that House and with the nation; it had therefore afforded him particular pleasure to hear the motion so fairly discussed; and he could not but think, that it would tend more effectually to open the eyes of the public, than any arguments he could advance, or all the oratory of both sides of the House combined could produce.

In the progress of the contest that had engaged their attention for some weeks past, the ministers and their friends had studiously endeavoured to load him and those who did him the honour to think with him, and to act accordingly, with all the unpopularity and all the odium, that art could imagine, and malice impute. Thus, from day to day, new colours for their conduct were held out, equally fallacious and foreign from the true motives of their proceedings, but all equally tending to mislead, confound, and delude. The point most laboured at by the other side of the House was, to charge them with having stopped the supplies, and thereby not only very considerably impeded the progress of the public business, but given a fatal blow to the national credit. A charge more serious could scarcely be suggested, but a charge

more false had never been hazarded. That the power of withholding the supplies was a weapon with which the constitution had armed that House, and that it was warrantable for that House to wield this weapon whenever a fit occasion required, was a maxim founded in undeniable truth, and one which he never would abandon. That the supplies ought not to be withheld wantonly, rashly, or lightly, was an assertion which he had repeatedly made, and which no man felt a fuller conviction of than himself. The question lay, therefore, wholly in the expediency of the exercise of this right, the undoubted privilege of that House, the representative of the Commons of England. The present struggle was clearly a struggle between the prerogatives of the crown and the privileges of the people. In defence of the latter, that House was bound to exert every nerve of the power with which it was constitutionally invested. The power of withholding the supplies, as it was the most formidable weapon in its hands, ought undoubtedly to be the last used. Should the ministers persist in their obstinacy, and push matters to an extremity, it would be justifiable to wield that weapon, the right to use which was the only distinction that he knew between a free people and the slaves of an absolute monarchy. He thanked God the contest had not been carried so far as to render such a dreadful resort necessary; and he hoped, prompt as ministers appeared to provoke that House by insult, and determined as they were to treat its resolutions with defiance, the House would keep its temper, would preserve its moderation, and would adopt every means of procrastination, to avoid bringing the contest to its crisis. As yet, they had not stopped the supplies; they had indeed postponed them for eight and forty hours, and that on an occasion that would have justified a harsher measure, and in a case where their postponement could be attended with no possible injury.

An honourable gentleman (Mr. Marsham) had declared in the course of the debate, that he would grant no supplies during the continuance in office of the present ministers, excepting only from time to time, and when the supplies asked were declared to be immediately necessary. Mr. Fox said, he would not go so far, he would not say that he would refuse supplies on the one hand, nor that he would grant them on the other; but govern his conduct by the circumstances of each particular case. Many gentlemen who had spoken in the course of the debate had said generally, that to withhold the supplies was to injure the national credit. This assertion went not to the extent to which it had been carried, but was founded in error; the mistake arose entirely from the distinction between the supplies and the ways and means not being kept in

mind and preserved. The annual expence, if gentlemen would reflect a moment, they would see consisted of two parts, the money appropriated to pay the interest of the public funds and the national debt, and the money voted to defray the charge of particular services. The former consisted not of the sums raised by incidental means, but of the produce of permanent taxes, enforced by perpetual acts of parliament, and specially appropriated. The appropriation of the produce of these taxes was inalienable, and in the case of failure, the sinking fund was pledged as a security. Nothing, therefore, could shake the national credit, but a refusal to pass the bills of such of the appropriated taxes as were annual; a refusal that, he trusted, no man in his senses would think of. He could not exemplify this more strongly, than by stating, that if the receipt-tax had either been given up or left in its unproductive state, without a new tax being proposed and adopted to make up the deficiency, and the sinking fund had not proved equal to supplying it, in that case the national creditor would have been injured, but in no other. The other part of the public expence was of a very different nature. It consisted of providing for estimates of expences to be incurred, and which necessarily were optional in their nature. These, as services to be performed, rested entirely on the discretion of the House, and the confidence they placed in ministers. Thus, the estimate for the ordnance, and he could not, he said, choose a case more directly in point, was the estimate of an expence to be incurred, and consequently a species of supply upon which that House might exercise its prudence without detriment to the national credit. To postpone it, therefore, could be no possible harm. This, he said, was the distinction between supplies and ways and means. The one respected public credit, the other public safety. The former might be refused without risque to the national credit in many instances, the latter in none. Ways and means were the provisions for expences actually voted; supplies, the expences themselves. The worst ministers, or the most unconstitutional monarch that ever reigned, must not be refused the one, but it might be highly inexpedient to vote the other, even in the reigns of princes whose own good intentions every body was convinced of, but in whose ministers that House had no confidence.

That it had ever been an established and understood maxim, that ministers ought not to remain in office, who had not the confidence of that House, was to be proved by a reference to the most remote periods of our history. So long ago as the reign of Henry the Fourth, when the nature of our constitution was but little known, an application had been made to that monarch from parliament, for the removal of certain of his

ministers, when Henry, with the spirit of a British king, had said, "He knew no cause why they should be removed, but only because they were hated by the people. Yet he charged them to depart from his house according to the desire of the commons."* This answer, which would have done honour to a monarch in more modern times, when the constitutional privileges of that House, as the representative of the Commons of England, were so much better understood, clearly evinced how essential it had ever been considered that there should exist a mutual confidence between that House and the ministers who were entrusted with the executive government. With regard to the argument that stopping the supplies would be attended with confusions and distractions, that depended entirely upon his majesty's ministers: good ministers, who wished well to the peace and quiet of their country, would always prevent them, by resigning before that House had proceeded to such a vote. Upon this ground he was convinced it was, that the present Lord Camelford, (then Mr. Thomas Pitt,) had two years ago acted, when he proposed stopping the supplies, but the ministers of that day knew their duty too well to suffer such a motion; they prevented it by a timely resignation.

Having amply discussed the consideration of withholding the supplies, he observed, that it had been stated in the course of the debate, that the unpopularity of the late ministers arose from three circumstances; from the receipt-tax, from the India bill, and from the coalition. With regard to the former, it was a good tax, and it was evident that the right honourable gentleman thought so, by his voting for that bill, in support of which he had not chosen to say one syllable: why the right honourable gentleman had given a silent vote on that occasion, the House, he doubted not, were sufficiently aware. But popular or unpopular as the receipt-tax might be, every body must admit that a tax largely productive was necessary, and no better tax had yet been proposed in its stead.

The East India bill, also, had been another ground of odium and of obloquy. The House would recollect, that he had opened that bill as a strong measure, and had expressly stated, that the enormity of the abuses could alone justify so violent a remedy. This bill had been much complained of without doors. Why? Because the people had not understood it. An honourable gentleman (Governor Johnstone) had said in a late debate, "What, cannot the people tell when charters are invaded? Do they not know when their rights are taken away; when their books, their papers, their warehouses, their property

* See New Parliamentary History of England, Vol. 1. p. 291.

are seized on? Undoubtedly they could, and undoubtedly they did. But this was only to understand the remedy, and not to know the complaint. The complaint was known to that House, and that House by a considerable majority decided that the extent of the mischief justified the violence of the cure. Thus the patient who was to undergo an amputation, might say to his surgeon, "Don't cut off my leg, the pain and anguish of the operation are excruciating." The surgeon alone could tell whether the amputation was necessary. So the people without doors saw that the remedy the India bill applied was a harsh one, but they knew not the extent of the abuses that made such a remedy necessary. That remedy, as he had already said, was approved of by a most respectable majority of that House, and lost by a majority of the other. Not by a respectable majority however, because if ever there were circumstances which rendered a majority less respectable at one time than another, those circumstances had attended the majority of the other House, in procuring their decision against the India bill. The bill had been lost by about a majority of eight. How that majority had been obtained was a matter too well known to render his enlarging upon it necessary. That bill, however, need no longer be the subject of dispute, because although he was not, nor could he be supposed to be willing, to leave the patronage, that had given such alarm, to the unreserved disposal of the right honourable gentleman, as an honourable and respectable member (Mr. Marsham) had stated, yet he had brought his mind to that point upon the subject, that there could scarcely be an arrangement of the patronage suggested, either by that right honourable gentleman or any other enemy of the former bill, to which he did not think he could consent.

With regard to the coalition, much, he observed, had been said against it in every debate, and it had been renewed in the present. He had upon former occasions expressed himself fully upon that subject. He had not, he said, been unaware of the effects, nay, of the obloquy that might attend that measure, when it was first meditated. It had been undertaken upon both sides with caution; it had been deliberated upon with anxiety; nay, he was not afraid to say, it had been begun with all that diffidence and doubt natural among persons, who had long differed upon great public topics; but from the moment it was determined upon, he would venture to say that there never had existed any thing but mutual confidence, mutual faith, the most perfect concord and firm reliance on each other's honour. There had not been in it any of that undermining jealousy, that secret and hidden distrust

which he had known to exist, where there were strong reasons to suppose that mutual intercourse and agreement would have been productive of faith and honour. Had the last administration been suffered to remain in power, he was confident it was that strong and vigorous administration which was calculated to have carried into effect those plans that were absolutely necessary to the present situation of this country. He recollected to have seen a beautiful speech of a near relation of the right honourable gentleman over against him, in which, in order to discredit a coalition formerly made between the Duke of Newcastle and a noble relation of his, with that force and brilliancy of imagination which he possessed in so eminent a degree, that coalition had been compared to the junction of the Rhone and the Soane. Whatever the effect and truth and dread of that comparison might have been at that time, and upon that occasion, he was not at all afraid of it then. He would not have admitted that great and illustrious person, were he now living, to have compared the late coalition to the Rhone and the Soane, where they join at Lyons, where the one may be said to be too calm, and tranquil, and gentle, the other to have too much violence and rapidity, but would have advised him to take a view of those rivers a hundred miles lower down, where, after having mingled and united their waters, instead of the contrast they exhibited at their junction, had become a broad, great, and most powerful stream, flowing with the useful velocity, that does not injure, but adorns and benefits the country through which it passes. This was a just type of the late coalition; and he could venture to assert, after mature experience, that whatever the enemies of it might have hoped, it was as impossible to disunite or separate its parts, as it was to separate the waters of those united rivers he had just mentioned.

It had been mentioned that night, that it had been observed repeatedly, with all that applause that was due to so noble and disinterested a conduct, that though his noble friend had declared he would not retire to gratify the impertinent prejudices of any individual, yet he was ready to give way, whenever it should be necessary for the public good, and his retiring should be likewise to promote union, and obtain the desirable object, the formation of a firm, efficient, extended, united administration. When the noble lord had made this declaration, understanding him as he had understood him, his noble friend had acted a part highly to be applauded, because highly dignified and respectable. How different was the conduct of the right honourable gentleman over the way! That right honourable gentleman, so far from

following the example of his noble friend, who upon the first insinuation that he was an obstacle to union, had declared his readiness to retire, resisted the repeated, and hitherto uncontradicted, declarations of that House; who had again and again asserted, that they had no confidence in him, and that it was incumbent on him to resign, before the honour of the House and the constitution could be satisfied. The right honourable gentleman, with a sullen obstinacy peculiar to himself, resisted and pretended that his honour and his feelings would be wounded, were he to resign, in obedience to that House, and agreeable to the invariable and uniform practice of the constitution, from the glorious period of the Revolution to the present time. How was the honour of that right honourable gentleman concerned? How dared he put his honour in competition with the honour of the House? Did the right honourable gentleman, or did any of his friends pretend to say, that his noble friend had disgraced himself by declaring his readiness to retire, in order to make way for union? Was his noble friend's honour forfeited by the sacrifice he had offered? On the contrary, was it not purer, brighter, and more perfect than ever? Would the right honourable gentleman pretend to say that what every body had praised and honoured his noble friend for doing, when hinted by an individual, would injure or contaminate the right honourable gentleman, when done by him in obedience to the constitutional requisition of that House? Understanding the noble lord as he had understood him, understanding him to have meant that he would not quit a scene where he was so powerful, so useful, and so eminent, that he would not leave a party so deservedly and so independently attached to him, but that he would, if public tranquillity or impertinent prejudice required it, do all in his power to promote that tranquillity, he had acted a part highly praiseworthy, and one that ought to be followed by all to whom there was any exception. But if his noble friend could be supposed to have meant, by what he said, what he knew he had not meant, namely, that he would relinquish all farther exertion in that House, that he would quit a scene in which he formed so material and important a character, there was no person who would blame such a conduct more than he should; because he knew that such a conduct would take away a great and principal mean by which a strong, vigorous, and effectual government could alone be formed in this country.

Mr. Fox proceeded to take notice of the addresses, upon which so much stress had been laid in the course of the debate. An honourable and learned friend of his had in a late debate declared, that these addresses were procured by im-

postures, and the expression had been called in question, but in his opinion, with very little reason. His honourable and learned friend had not meant to apply the word impostures to the addressers, but to account for their having been induced to address. When any person thought another acted in the wrong, he knew not a more civil way of telling him so, than by asserting that he had been imposed on and deluded. Thus it was usual, when bad measures were carried on by bad ministers, to declare, that the prince upon the throne had been deluded and deceived, and it had never yet been held, that such language was either indecent or unconstitutional; he could not therefore conceive that his honourable and learned friend's expression had been such as conveyed any rudeness in it to those who had signed any of the addresses lately sent up to his majesty. That he disregarded the opinions of the people no man would imagine: it had been the business of his life to court popularity; but there were circumstances in which the people might err, and under such circumstances it became an act of duty to resist them. That he was ready to resist them, and that he thought it right to oppose their madness, he had already shewn by his conduct during the riots in the year 1780; and whenever they carried their passions and prejudices to an extreme equally dangerous, he would endeavour to stem the torrent, and restore peace and regularity. The voice of the people ought always to meet with attention, though it did not always equally claim obedience; as persons who had a will of their own might be allowed to exercise that will even to a certain degree of injury to themselves, but not to their destruction. In the present case, the people were deceived, they were causing their own ruin, and therefore their madness ought to be opposed. If that House failed in the present struggle, and its dignity was insulted, its importance in the scale of the constitution would be weakened, and the privileges of the people suffer. It was for the people, therefore, that he was contending, and in their cause that he was combating; nor would he believe, that the people were really adverse to his conduct; those who understood the ground of the dispute, he was persuaded, were with him. In Westminster, for instance, where he lived, and was most likely to know, he was sure he never had, in any period, the real warm zeal and hearts of the people more than at present. On a late occasion, it was true, there had been a meeting of his constituents, at which it was impossible to be heard; but then, when it was considered that a noble lord (Mahon), whose voice that House well knew the sound of, and who was himself an host, was present, and prevented it, there would be no wonder at the circumstance. Allusions had been

made in the course of the debate to the battle at Westminster, the battle at Hackney, and the battle at Reading. Those inglorious tumults, he was persuaded, did no good whatever; of such petty warfare it might be said,

> Cumque superba foret Babylon spolianda tropœis
> Ausoniis, umbraque erraret Crassus inulta,
> Bella geri placuit nullos habitura triumphos,

for there certainly was no triumph, let either party gain a victory in such contests, while the grand concerns of Europe were neglected.

He said he had again expressed his wish for an union, whenever it could be brought about with safety to the honour of the House, whenever the right honourable gentleman had taken the only step that could reinstate the House in its former situation in the constitution, when by his resignation and by his quitting his office in obedience to the opinion of that House, he should have relinquished the unconstitutional ground upon which he stood. He wished, therefore, that there might be no asperity, no violence, to rankle in the mind, so as to make an union impracticable. An honourable gentleman opposite to him (Commodore Keith Stewart) had chosen to say, that his personal love of power would prevent him from ever suffering the government of the country to go on, unless he made a part of it. In a discussion where self was so much the object, Mr. Fox said he certainly would not dispute with the honourable gentleman on a point, in which he must have so much the advantage. But he should have imagined that the honourable gentleman, considering those with whom he lived, considering those with whom he was connected, considering the means which the honourable gentleman knew to be the best calculated for obtaining personal power, might have known, that had personal power been his object, he might have possessed it again and again, if he would have stooped to adopt such means as the honourable gentleman must know had been repeatedly in his power to adopt. But if he had any wish for power, it was not that particular species of personal power for which he wished. The whole conduct of his life, the situation in which he stood, connected with a great and numerous body of men, whose principle it was to act upon the broad extended basis of public confidence, and not upon the narrow, pitiful, and destructive ground of private favour, must prove the falsehood of every assertion, that personal power was his object, and that unless he obtained power upon fair, constitutional and public grounds, he never would cease to attack the existing administration.

It had hitherto been objected against him that he fought

with too large a phalanx, that he came with so great a body, and with such numerous friends, that no door was scarce wide enough to admit them all. He thanked God that they were so numerous that they could not find a way through the passage to power which was now the road to it. He did not, therefore, oppose the present administration for the sake of personal power, he opposed them because they stood upon the ground of secret influence, because they stood upon the ground of the House of Lords against the House of Commons, because, by their countenance in office, they subverted every practical principle of the constitution of the country: because at a time when a firm and efficient government was alone calculated to retrieve the country, they formed a government that was weak, inefficient and feeble. Whoever wished for the liberty of the constitution, whoever wished for energy in government, must equally unite in wishing the removal of the present administration. He who was a Whig, and carried the principles of Whiggism to extremity, must wish it equally with a Tory, who carried to an extreme the principles of Toryism. A Whig, who carried principles of Whiggism to an extreme, might be said, in his enthusiastic, eager and glorious love of freedom, to forget the true balance of the constitution. He might wish to give more to the popular part of the constitution than was consistent with a vigorous, efficacious, and active executive government. He might be said to be so regardless of the blessings that liberty bestowed, as to worship his favourite goddess with such a fervid, though with what he had ever thought a laudable zeal, as to carry it to a degree of excess prejudicial to firmness and vigour. Let the extreme Whig, however, forget vigour ever so much, let him court liberty with the most anxious eagerness, he never could hope to obtain, nor to protect the darling object of all his actions, without supporting the weight that House had held in the constitution, without a single exception since the Revolution. Consistently with his principles, the extreme Whig must wish the destruction of an administration formed in direct contradiction to every principle of constitutional liberty. On the other hand, a Tory, who carried his principles to an extreme—and he did not mean that misled and deluded description of men, who had wished in the last century to support the misguided race of Stuart in all their wild pretensions to divine, hereditary, indefeasible right, and had maintained their doctrines with arguments drawn from the unconstitutional tyranny of the House of Tudor, but those who reasoned rationally, though rather perhaps to a degree of excess upon their way of viewing the constitution;—a Tory, in the extreme principles of Toryism,

might be said to overlook the liberty of the subject in his desire of a vigorous, efficacious, and energetic government. But however strong the bias of a Tory might be to the extreme principle of his party, he must agree with him in this, that there could be no energy, no vigour, no activity, no responsibility, none of those strong and powerful exertions which he wished to promote, while the present administration remained. Such a Tory must see, that with the continuance, weakness, inefficiency, want of real, solid, and useful exertion, must distinguish the executive power. The Whig, therefore, as well as the Tory, and the Tory equally with the Whig, however opposite their principles, although the one overlooked vigour in his search for liberty, and although the other might be said to overlook liberty in his search for a vigorous government, both must equally agree, that to attain their respectively favourite and darling objects, the removal of the present administration was essential, because while they continued there was neither freedom of constitution nor energy of government.

The true, solid, and uncontrovertible basis, upon which a firm and efficacious government was to be built, was the confidence of that House. Every act of ministers, as he had said again and again, was founded in confidence. Not in the mere abstract meaning of the word, but in the solid, actual, and constant exercise of substantial confidence. Was there no act necessary in the present situation of the country, either for the support of the public credit, the regulation of India, the conduct of foreign alliances, or any other great and necessary work calculated to support or retrieve the glory of the country? And he was sure, if there were vigorous and well-directed exertions to those great and necessary objects, there was yet enough of strength left to render the country great and important amidst the nations that surround us; but there was no one act of this sort to which confidence was not essential. The more that confidence could be extended, the more vigorous and effectual would the measures of ministers be. For that reason he wished to extend that confidence to the greatest degree possible consistent with the true, just, and infallible principles of the constitution, because he knew, the more it was done, the more it would be possible to act in the only manner capable of rendering this country powerful, eminent, and respectable. Because by such means he should be the more and more enabled to risk popularity at every step, by laying burdensome but necessary taxes, and to act with that firmness, that intrepidity, that bold integrity, which was the only solid ground upon which a minister could act so as to produce real and effectual advantage to the country. Great

however as this object was, he had rather run the risk of all those difficulties, and depend upon the same confidence that he had hitherto experienced, than consent to any extension of it which sacrificed the very first and vital principles of the constitution.

He desired the right honourable gentleman over against him, or any of his friends, to point out a single instance, not only since the accession of the House of Brunswick, but since the Revolution, where the minister of the crown had dared to retain his situation one moment after he had lost the confidence of that House. He knew there was not one, and therefore, instead of that glorious and favoured period of history which they revered and admired for the liberty and the glory they had experienced under it, which they revered for those illustrious princes of the Brunswick line, under whom they had enjoyed so many blessings, and which they wished to hand down to the children and grandchildren, and great grandchildren of their present gracious monarch, and which, if the present system prevailed, were lost and gone to him and to them for ever; instead of that glorious period, the adherents of the right honourable gentleman must have recourse to the unfortunate and accursed periods of that misguided race, whose lives were distinguished by an uniform attempt to subvert their liberties and overturn the constitution. Those were the only periods to which such as supported the cause of the secret advisers of his majesty against the representatives of the people could have recourse.

An honourable baronet, who spoke some time ago (Sir Richard Hill), and who frequently quoted the Bible, had, upon the present occasion, Mr. Fox observed, chosen to entertain the House with a quotation from a work of a different description, from a satire of the gay and witty Earl of Rochester. He begged leave to advise the honourable baronet, not for the sake of a temporary laugh, to raise in the ideas of all who heard him, the melancholy comparison of the present moment with that sad and disgraceful æra, which, though adorned with some lively, witty, and even classical writers, was marked by every thing unfavourable to liberty, and subversive of the constitution. It had been at that æra, that the prince on the throne, by the counsel of secret advisers, opposed and undervalued the sense of the House of Commons; and when the House endeavoured, by every exertion of spirit, to repeal those attempts by humble and dutiful addresses to the throne, the king, tired and disgusted with parliaments, in 1681 dissolved his parliament, and never called another during the remainder of his reign. The spirit that arose in the country, they all knew, ended in producing subsequent parliaments, not subservient to the prince, and in

the end brought about the glorious Revolution, and drove from the throne of England that unfortunate and misguided race, to whose history, and to whose history alone, the right honourable gentleman and his friends were obliged to appeal for precedents to defend his conduct, and justify the situation into which he had thrown his country. When they attempted to quote the history of succeeding periods, they were under the necessity of mis-stating every particular, in order to make them answer their purpose. This had been done in a most extraordinary manner by the learned solicitor general (Mr. Pepper Arden) in a former debate. The learned gentleman had on that occasion stated, that the House, in 1701, had addressed His Majesty King William, to remove Lord Somers, Lord Orford, Lord Halifax, and the Earl of Portland from his presence and councils for ever: that this address was not complied with, and that the House received no answer to it. Nevertheless, said the learned gentleman, the House went on to grant the supplies exactly as if they had reposed the most implicit confidence in those ministers. From thence the learned gentleman had inferred, that there was no ground for refusing the supplies at present, because there was a want of confidence in ministers. He must beg leave, Mr. Fox said, to remind that learned gentleman, that he had either forgot the history to which he alluded, or done what was worse, wilfully misrepresented it. The fact was, at the time the address alluded to had been voted, and sent to the throne, the noblemen in question were no longer ministers. They had been removed in 1700, and the address was an address requesting his majesty to strike them out of the list of privy counsellors. The money voted in 1701, and the supplies that were granted, were not voted in confidence to the noble lords alluded to, because they were not ministers at the time. The only allusion, therefore, that had been made by gentlemen on the other side of the House to a former period, had been completely and absolutely misquoted. Indeed, those gentlemen would find but little to their purpose in those more happy and fortunate periods, when the liberty of this country had been protected, cherished, and maintained, in all that purity and vigour that had made us the wonder of the world. In these periods the princes on the throne had respected that House, and their first and greatest glory had been to attend to its wishes, and listen to its advice. God forbid that those secret advisers of his majesty should induce our present gracious sovereign to be the first of his name, and of his race, to neglect the counsels, and turn aside from the advice of his faithful Commons; advice which had hitherto been well taken, and strictly fol-

lowed by every prince of the house of Brunswick, and the neglect of which would bring us back to those dark, inglorious, and arbitrary periods of our history, that he had so often mentioned!

The ground, the unconstitutional ground, on which the present administration stood, was so totally new, and so absolutely the contrivance of the present minister, and of those advisers, of whom he hoped, for the sake of that right honourable gentleman's reputation, he was the tool and the dupe, that it was not possible for him to forget what he had said upon that subject within a very short period. He remembered, at the time when he differed from the noble lord near him (Lord North) upon public principles, when the American war was the subject of debate, when he thought the continuance of that war ruinous to the country, to have asked the noble lord, why he did not quit a situation, which he could no longer hold consistently with the good of the country? The noble lord replied to him, that it was not his mere assertion that would induce him to quit his situation. But that as soon as he should find that he no longer possessed the confidence of that House, he would quit it. Mr. Fox declared, that his reply to the noble lord at that time was, "many thanks to him, for doing what he could not avoid;" and he confessed at the time, he thought the retort a good one: he did not at that time know, that the noble lord was setting an example of constitutional conduct, which was very soon to be disregarded by his successor. He did not then know, that instead of making, what he then thought, a good and solid answer to the noble lord, he was guilty of a gross impertinence, for giving the noble lord no merit nor praise, when he had so much, by resisting every attempt that could be made to make him act contrary to the principles of the constitution. He could now see, indeed, why the objections to the noble lord, from certain quarters, were so strong and vindictive. The noble lord would not lend his name to those unconstitutional attempts of resisting the opinion of that House, which had been so strangely left to be the work of the right honourable gentleman over against him. Had the noble lord chosen to adopt his measures, had he set at defiance the first grand principle of our constitutional freedom, he would have been applauded, where he was now reviled; he would have been courted, where he was now persecuted. Finding, therefore, that his best thanks were due to the noble lord, when he declared that he would resign when he lost the confidence of that House, for a determination to act as he did, indeed in conformity to the constitution, instead of the uncivil retort he then made, he did

now most heartily beg pardon of his noble friend for his short-sighted and impertinent speech.

Mr. Fox said, he was sure, if either a dissolution of parliament was to take place, or a reform in the representation to be effected, he could have no objection whatever to appeal either to a new parliament, or to a reformed representation; for he defied any person to state any disadvantage that would arise to the present majority in that House by either of those events. He did not mean to say that there would not take place, as at present, those small changes in numbers, which all who attended to that House knew must take place from accidental circumstances, but which did not, upon the whole, essentially change the description of individuals, of which either side was composed. If there was an alteration in the representation, by adding to the county members, he was not afraid of any diminution of numbers from that event. When he looked round him, when he recollected those of that description who composed the present majority, he found a very great proportion of the representatives of counties, and another description of persons equally respectable and equally independent, though not representing counties; he meant independent country gentlemen, who represented boroughs. If they were to be increased, if parliament were to be dissolved, did the gentlemen on the other side of the House think they would be benefitted by such an alteration? No, the reverse was the truth. He had examined every description of persons respectable for their representation, respectable for their independence of spirit, respectable for their love of the constitution, respectable for talents, zeal, and exertion, in that glorious cause; he had found it extremely difficult to discover an instance of any class or denomination where any change, such as he had alluded to, could possibly give a majority to the present administration. At last he had been able to lay his hand upon one set of men, who, if they were increased, would produce a change indeed in the state of the majority in that House. He meant those persons who procured their seats in that House by the favour of the treasury. He believed this was rather unparliamentary language; but he meant those persons who had obtained their situation there by means of the noble lord near him, those who had under the administration, and by the favour of his noble friend, accumulated splendid fortunes. These were the persons, who, if increased, might perhaps produce the effect that the right honourable gentleman wished. It was upon those men that he depended for support; while the increase of spirit, of independence, of respectability, would be of no

avail, the increase of ingratitude, of desertion, of every thing that could blacken and disgrace the character, would serve his purpose.

He took notice of what Sir William Wake had said relative to the American war having been gone into from a false notion of preserving the dignity of that House. That was, he said, a mistake; the American war had not been more the war of that House than of the other branches of the legislature; but that House had been the first to see its errors, and to put an end to the war. He alluded also to Sir William Dolben's having asked a few nights since, if the prerogatives of the crown were to be served up as a collation, like Sancho's banquet, to feast the eye alone, and not the appetite: he said, he by no means meant to deny, that the prerogatives of the crown ought to be substantial; all that he contended for was, that the House of Commons, who granted the public money in large sums to ministers upon confidence, had a right, at least, to have a negative voice in the appointment of those ministers. He argued much at large upon the eventual effect either of the continuance of the present administration, or of the return of the last into power; and shewed, that neither of the two would be able to carry on so vigorous a government as the situation of the country required: he therefore strongly recommended an union, for the purpose of forming a firm, efficient, extended, united administration, which should equally share the confidence of the crown, and the confidence of parliament. He particularly insisted on the necessity that the confidence of the sovereign should be fairly participated; and after an ample discussion of the subject of the addresses presented in Charles the Second's reign, and a comparison between them and the addresses lately presented, and an infinite variety of arguments on general grounds, he returned to a consideration of the question, which he said was absolutely necessary as a kind of *salvo jure* to gentlemen, before they could consent to vote the supplies in the present situation of affairs. After the question should be carried, and he trusted it would be carried by a considerable majority, he declared, he should have no objection immediately to receive the report of the ordnance estimate, and vote that supply: but he begged to be perfectly understood, as not by any means giving up the constitutional right of that House to stop the supplies; but as it was a question of infinite moment and alarm, he wished the House to adopt every means of procrastination and of delay, to avoid coming to its decision.

On the question being put, the House divided:

	Tellers.			*Tellers.*	
YEAS	Lord Maitland Mr. Byng	197.	NOES	Sir Geo. Yonge Mr. R. Smith	177.

Majority in favour of the motion 20. While the majority were in the lobby, Mr. Fox said, it was the idea of gentlemen who stood near him, that in consequence of the high language which had been held in the debate, an address should be proposed on the motion. The members joined in an unanimous declaration of Hear him! He then said, that if it met with their approbation, he would move it after the determination of this question, and that it should be carried up to the throne by the whole House. They joined in the same general shout on this proposition also. When the numbers were declared, Mr. Fox and Mr. Pitt rose together, and their friends, in pressing for their respective leader, were loud. A good deal of clamour ensued. At length Mr. Pitt said, that it amounted exactly to the same thing, whether the sense of the House was taken on his motion for the Speaker to leave the chair, or on the motion for the address, which he understood the right honourable gentleman was about to propose. He therefore yielded the point. Mr. Fox then said, that as the right honourable gentleman and his friends had met the resolution of that day with a high language, and had treated the House in every respect so cavalierly, it was the idea of the gentlemen with whom he had the honour to act, that a motion should be made, without farther delay, for an address to the throne on the resolution of that day, and that it should be presented by the whole House. He entered shortly into the situation into which the obstinacy of Mr. Pitt had brought the House, and concluded with moving for an address to the king in the words of the resolution. After a short debate, the House divided on Mr. Fox's motion:

	Tellers.			*Tellers.*	
YEAS	Lord Maitland Mr. Byng	177.	NOES	Mr. R. Smith Mr. Eliot	156.

So it was resolved in the affirmative; and also, that the address be presented to his majesty by the whole House.

On the 27th, the Speaker read from the chair his majesty's answer to the address of the House, which was as follows:

"Gentlemen; I am deeply sensible how highly it concerns the honour of my crown, and the welfare of my people, which is the object always nearest my heart, that the public affairs should be conducted by a firm, efficient, extended, united administration, entitled to the confidence of my people, and such as may have a tendency to put an end to the unfortunate divisions and distractions of this country. Very recent endeavours have already been employed, on my part, to unite in the public service, on a fair and equal footing, those whose joint efforts appear to me most capable of producing that happy effect. These endeavours have not had the effect I wished. I shall be always desirous of taking every step most conducive to such an object; but I cannot see that it would, in any degree, be advanced by the dismission of those at present in my service.

"I observe, at the same time, that there is no charge or complaint, suggested against my present ministers, nor is any one or more of them specifically objected to; and numbers of my subjects have expressed to me, in the warmest manner, their satisfaction in the late changes I have made in my councils. Under these circumstances, I trust my faithful Commons will not wish that the essential offices of executive government should be vacated, until I see a prospect that such a plan of union as I have called for, and they pointed out, may be carried into effect."

The consideration of the above answer was deferred to the 1st of March.

Mr. Fox's Motion for an Address to the King to remove His Ministers.

March 1.

THE order of the day being read for taking into consideration his majesty's answer to the address of the House on the 20th of February, and the said answer being also read,

Mr. Fox stood up, and begged that the House would allow him to preface what he now deemed it his indispensable duty to say, with a short review of those peculiar circumstances, in which the House of Commons, the people of England, and the constitution of the country, were all inevitably placed by his majesty's late answer to the address of his Commons. He connected all these particulars into one view, because they were all formed to stand or fall together. It was not in the wit or machination of man to dissever them for a moment, and whoever made the attempt, would be taught from the issue that it was nugatory and chimerical. But on what ground did they now stand? Had not his majesty put a negative on their joint wishes? Was not this a situation to which they had not been reduced since the glorious æra of the accession of the House of Brunswick to the throne of these kingdoms? The two first princes of that auspicious and illustrious family were not, perhaps, wholly without favourites: for what prince ever yet was? Or who could blame a king for having friends? It was the consolation of human nature to be susceptible of such predilections as suit the peculiarities of every temper, character, and situation. Where was the man, or the minister, who would prescribe terms to royalty, which would injure the feelings, and would bar the comforts of an individual? Notwithstanding this, which per-

haps was the feature of all reigns, unanimity marked those both of George the First and George the Second. Whatever attention they might pay to secret advisers, whatever degree of curiosity or inquisitiveness might affect their hours of social and friendly intercourse, the harmony of the nation, the public business, the great concerns of the nation were seldom or never interrupted by an ill-advised and unconstitutional preference of any man, or set of men, in opposition to the representatives of the people at large. In the late reign especially, Lord Hardwicke evidently possessed much of the royal confidence. His abilities were unquestionably eminent, and justly procured much respect both at home and abroad; but when the circumstances of the country demanded a surrender even of his counsels, when some of his majesty's subjects were in open rebellion, and when the crown was satisfied that a new system had become indispensable, was not every system of favouritism readily, generously, and magnanimously relinquished? Had it been otherwise, and had those who were said to have deserved his majesty's favour, retained their situation, in direct opposition to all the calls and expostulations of the House and the country, all those splendid and incomparable actions which graced the subsequent war had most undoubtedly been prevented; the glorious victories which then took place, and overwhelmed all Europe with astonishment, had not been acquired. The vast appendages of the British empire must consequently have been so little as to have excited no envy, it is true; but neither would they, in this hypothetical scale, have produced such emoluments, such wealth, such grandeur, such influence in the scale of nations, as they unquestionably did. If on that pressing and interesting occasion the system of personal favour had not given way to objects of public safety and tranquillity, the illustrious name of Pitt had never been known in this country; had never given the people of England such an influence in government as the constitution has assigned them; had never infused such a spirit of intrepidity and enterprise in the executive government of the country, as must for ever distinguish the period in which he reigned, and the measures which originated in his advice.

From these facts and speculations, he desired the House to observe what part they now acted. They were, in his opinion, standing up for the constitution, as enjoyed, as established, as transmitted by their ancestors to their posterity. This ground they had taken; in this it was their duty to intrench themselves; and from this asylum he was certain no honest and sincere friend to the constitution would wish to drive them. They were at least founded in the constitu-

tion, of the country, and whenever they fell, so would it. Then were so united as to live or die together. It was now, perhaps, more than ever, committed to their care, who had always been its preservers; and to abandon it thus beset, thus assaulted, thus doomed, for aught we knew, to destruction, would be to deal perfidiously with their obligations to their constituents and to the public. When he complained, that no other prince of the race of Brunswick had ever given such an answer to an address of that House, he was answered, no House of Commons had ever made such an address. But this question he would beg leave to answer with an anterior question — Did ever the crown, since the accession, keep in office a ministerial arrangement, not only without the confidence of the House, but against its express requisition? This made the matter altogether new and unprecedented: but new and unprecedented as it was, it did not originate in the House; they had acted only on their defence, and would have ill deserved the confidence reposed in them, had they not done every thing in their power to preserve the privileges at once of the House, and of those for whose great original rights it was at first instituted. He referred to the case of Sir Robert Walpole. No man ever possessed the confidence of the House of Commons more completely than this minister. He would not enter into the question, whether he deserved it or not; but the fact was notoriously as he had stated it. Was he, then, resolutely inclined to dispute the eager desires of the House to remove him? Did he resist all their efforts for that purpose? No; when the moment came which convinced him that he was no longer the person on whom they chose to rely, instead of urging the inconsistency of such a revolution in the political sentiment of the House; instead of taking shelter in the arms of prerogative; instead of placing any dependence on those about the throne, who had been long his fast and tried friends, he freely and at once abandoned a station to which, from this single circumstance, he found himself inadequate. How, then, was the constant harmony which subsisted in every part of government sustained and cultivated? It was, at least, as often owing to the compliance of the king with the sentiments and wishes of his faithful commons, as of their complaisance to his inclinations. He did not deal in the extension of prerogative, nor they in the assertion of their privileges. A reciprocal disposition to cordiality and accommodation in case of any accidental collision was not more predominant in the House of Commons than at court.

Since the unfortunate reigns of the Stuarts, prerogative had never been so much the topic of discussion as it had become

of late in parliament. His ideas of whatever the constitution had vested in the crown were no secret; he ever had and ever would avow them. No prerogative of the crown was, in his opinion, distinct or unconnected with the whole of that free and liberal system in which our government chiefly consisted. The people were the great source of all power, and their welfare the sole object for which it was to be exerted: but who in this case were to be the judges? The House of Commons undoubtedly were competent to protect the rights of the people, to pronounce on whatever they deemed an encroachment on their privileges; and the moment they could not prevent every thing which struck them as such, they were not equal to the design of such an institution. This he called a due seasoning or modification of that enormous power devolved by the constitution on the executive government of the country. The House of Commons consequently were possessed of the power of putting a negative on the choice of ministers; they were stationed as sentinels by the people, to watch over whatever could more or less remotely or nearly affect their interest; so that whenever they discovered in those nominated by his majesty to the several great offices of state, want of ability, want of weight to render their situations respectable, or want of such principles as were necessary to give effect to the wishes of the House; in any or all of such cases they were entitled to advise his majesty against employing such persons as his faithful Commons could not trust. They would then say to such ministers, and say it with the greatest propriety, "We admire your abilities; we love your virtues; and we wish your politics were of a sort to excite our admiration, and conciliate our confidence: but your system is inimical to the object we have most at heart. We wish to encrease the weight of the people in the constitution; your object is to lessen their weight. We are anxious to establish a strong, an efficient, an united administration; you endeavour only to preserve one who possesses none of all these qualities. We would found an executive government on public, open, unequivocal responsibility; you are endeavouring, in its room, to perpetuate a cabal. We assert the controul of parliament wherever the general interest requires their interference; you are attached only to what you imagine is the independence of the prerogative. In short, we are the friends of the people; they made us what we are; to them we are accountable; and for them, as far as the constitution bears us out, we act: but you avow sentiments so materially and flatly contradictory to these, that we are bound in duty to withhold from you that confidence, which your avowed attachments and opinions must inevitably lead you to abuse."

Much offence was taken, it seemed, against the House of Commons, on the score of not putting the most unlimited confidence in the present ministers: but why were not the jealousies, which were the causes of this treatment so loudly complained of, also taken into the account? Would any man come forward and affirm, that the House had no cause of jealousy; or had acted capriciously in the several steps which it had been obliged to take in its own defence? He begged gentlemen would recollect the mode in which his majesty's ministers had been called to office. What was the manner of the nomination which took place, and was the only reason that could be alledged in behalf of ministers? Were not grounds of jealousy involved in that circumstance, which justified the diffidence of the House, which had put them on their guard, which had treated them with a disrespect to which they had for a long and happy period been strangers? Thus situated, what could they have done, which it was their duty to do to the public, to themselves, to his majesty? In this was grounded their want of confidence. It originated in that independence which was their most precious privilege, which had long continued, and which, he hoped, would still continue one of their proudest distinctions. How, then, were they to act? Was it in their power to treat his majesty with more loyalty and respect than by addressing him as they had done? What language did that address speak to the throne? It told his majesty what the wishes of the House were; that the great object to which they pointed all their movements was such a ministry as the circumstances of the country required; that this object could only be obtained by the dismission of his ministers, in whom they could not repose any real confidence, and that this obstacle his majesty only could, and they trusted, in his paternal regard for his people, that he would remove it. Need he say how this dutiful, he would call it this constitutional address (for such the people of England, and especially their posterity, would yet find it to be), was returned? Were the several sentiments in his majesty's answer gracious or not? He would not dwell on any thing which might bear a different construction; but taking it for granted that the whole House considered it as a negative to the desires of the House, he presumed they would agree that something farther was still necessary on their part. This was the distinguishing feature of the present administration. They had kept the House in suspense from time to time. It seemed to be their system, that they would not be guided in any degree by the sentiments of a majority of the House. No other hypothesis could give any thing like a rational solution of their conduct. The House was therefore obliged to

act towards them in a manner altogether unprecedented. No other conduct would suit their manner of proceeding.

Why, it had been asked, were the supplies not withheld? The reason, at least, on which he, for one, had hitherto voted for the supplies, might strike the House as a paradox. It was nevertheless real. He had not sufficient confidence in the ministers of the day to withhold the supplies. This, as he had always maintained, was a weapon put in the power of the House, for the advantage of the community at large. It ought, therefore, with all their other powers, to be exerted only where that was a probable consequence. When Mr. Thomas Pitt, the present Lord Camelford, had made a similar proposition to the House, he had voted with his lordship freely and fully. But why? The reason was obvious to every man in the house. He knew the temper, the principles, and the dispositions of the noble lord (North), better than to suppose him capable of setting the House at defiance, in case such a motion had been carried against him. Much as he had opposed him, and strong as the language was, which, in the heat of debate, he had frequently used, from a conviction that it was then his duty to use it, still he was well aware the noble lord had a greater respect for the constitution than to oppose his official existence to the decided opinion of a majority in parliament. On this principle, therefore, he had voted to stop the supplies, in order to defeat the prosecution of a war, which he considered as ruinous in its consequences to the interest of the public. But he could not do so in the present situation of the question. The House had not reliance enough on the public spirit of ministers to promise themselves any success from such a measure. They saw the effects: it would only plunge the country in confusion. The ministers' love for the constitution was not sufficiently visible to make them willing to risk the experiment. Were they certain that a vote of this kind would bring back the servants of the crown to constitutional ground, and re-establish the consequence and importance of the House, he was willing, as an individual, to go without hesitation into that measure; but then he could not be supposed to adopt it on any other principle; for on the supposition that even this last exertion of privilege would be resisted, into what difficulty did it plunge the House of Commons? What infinite and irreparable confusion would it not occasion in the country? He asked, what sort of a government could take place on a principle which did not imply the confidence of the House? It was not necessary for him to point out its debility and insufficiency. In that case, considering the immense extent of those sums which this House were in the habit of granting, would they not hesi-

tate? Thus every minute article in all the various specific estimates which came before them, would be constantly inspected, scrutinized, and treated with a scrupulosity which must be peculiarly incompatible with that dispatch so essential to the business of the House. What an administration would this be! How inadequate to the management of affairs so intricate, important, and multifarious as ours were! It would only, as his honourable friend (Mr. Burke) had lately called it, be a body without a soul, a form destitute of spirit or power.

But still they were urged, in the language of defiance, to do their utmost. This mode of menacing them was intended to have its operation, and they were certainly not in the fault that it had not. He would witness for ministers, that whatever men could do, and more than most men would have attempted in their situation, had been done to promote their schemes of divesting the House of all its constitutional importance and effect. He would not mention the peculiar industry by which they had endeavoured to substantiate and realize their favourite system. But undoubtedly every thing they did would, when men's minds were relieved from the pressure under which they laboured at present, be sufficiently seen through and understood. The House, however, had hitherto treated the whole with a delicacy, for which it deserved much credit, and with the discerning, disinterested, and dispassionate part of the people, would certainly be much in its favour. And he was ready to abide by it, that to have acted with confidence to ministers situated as those of his majesty now were, would have been an insult to the constitution. They who had the misfortune to be in office under circumstances thus hostile to the people, could not have expected any such compliance, as they must have known the temper and principles of the House more accurately than to build their hopes against their convictions. Even this most gross and precipitant conduct was left for those times when prerogative was palpably meant to bear down every thing. Putting all these things together, would any one pretend that the design of his majesty's advisers was levelled at individuals? He was certain no intelligent person, who had inspected the genius of successive administrations in the present reign, could entertain such an opinion for a single moment. Who would aver that the present dispute, for example, was entirely confined between the right honourable gentleman and himself? No. This theory would not go down with him. It would not have answered their purpose who were at the bottom of the plot. It would not shew the utter insignificance of the House of Commons. It was not calculated to make such a breach in the legislature as ages to come might not be able to repair. Therefore such a scheme

was not adequate to their inclinations, with whom the present no doubt began, and by whose influence, unless the spirit of the people should interpose, it would assuredly be compleated. Their object was to render the House of Commons a mere appendage to the court, an appurtenance to the ministers. Then the interests of the people would be happily and faithfully cherished by the crown and their hereditary representatives! It was true the House of Commons could then do nothing; but every function that distinguished them from the other branches of the legislature would be found in much greater perfection in that immaculate fortress, where no reformation of any kind had ever yet entered.

He adverted to the fate of his India bill, and asked if it did not owe its opposition, its extinction, to secret influence? This phraseology had been censured as quaint, and used only for sinister purposes, he would nevertheless adopt it, as referring to a circumstance, which, though in its own nature incapable of proof, he believed in his conscience was universally credited. But he used the phrase secret advisers, out of that respect and delicacy which he should always think it became him to speak of the prince on the throne. He well knew his sovereign was not what these officious advisers attempted to represent him. He was sure his heart would have no share in the business. A noble earl had gathered the opinions for the professed purpose of giving such information as should afterwards determine the royal conduct; and had not the constitution provided that his majesty should know nothing of what was going forward in either house of parliament, with a view to influence the debate? The House had been long acquainted with this statement. He would assert there was not a man in the House who did not believe the reality of the circumstance thus related. As few, he trusted, would dare to come forward and attempt to justify those on constitutional grounds. Nay, it was again and again admitted to be wrong. Indeed, there was no great probability that his majesty would have been thus easily swayed by a stranger, when he had not communicated on these topics even with his confidential servants. But the tale was not certainly in favour of the parties. Yet neither of them endeavoured by any means to give it such a contradiction as might have been expected. The rumour consequently gathered ground from this circumstance, and spread to such a degree as put all doubt or hesitation out of the question; and no individual but gave credit to what everybody asserted. In short, he was so convinced that this conviction was real, however disguised or denied, that he would not converse with that man who affected to hesitate about it.

On what, then, was the existence of the present ministers founded? Was it possible to mistake their intention? Were they not meant to annihilate the House of Commons, in complaisance to the crown and the House of Lords?

He went at large into the history and management of the ministry, and traced every step of their conduct in office as all tending to the disgrace of the House of Commons, as bearing uniformly to that point, and as utterly inexplicable on any other supposition. Why had not ministers dissolved the parliament? Was not this an object in which they rested many of their hopes on the commencement of their official existence? The temporary inconveniences which they apprehended were the only reasons on which they had kept together. The means on which they had come in, and by which they had intended to govern the country, were consequently objects of suspicion and dislike. His majesty's answer was not satisfactory. It was very extraordinary, and such as the House had no reason in the world to expect. The country had not for a long period been in such circumstances. Where were the men who could now expect to be of any substantial service to the country? Our wants and difficulties were hourly multiplying, and would no doubt continue to multiply. Ministers were reduced to a line of conduct that must in a great measure hurt them with the public. It was impossible for them to serve their country conscientiously without hazarding many bold and unequivocal measures. But whoever would venture on several questionable acts, would unavoidably be unpopular. A horror of what might be the consequence of the present contest would also naturally startle the minds of most men, and abridge that confidence in public characters; without which there could be no stable or efficient ministry in this country, so long as it retained its ancient and hereditary spirit. The hostility of ministers to the constitution reduced them, therefore, to this dilemma,—either to do something harsh and unpopular, or surrender their liberties without a stroke. The difficulty of acting under the peculiar and original circumstances of the House at this time, depended a great deal on the feelings of the ministers. Had those men, who were now in office, the proper conception of their situation; the conduct of the House was obvious. But they were not disposed to convince mankind that they felt like other men. They seemed, in his opinion, not sufficiently alive to sentiments of true dignity; or at least he differed from them in what they doubtless thought a manly and spirited conduct. However they would soon, and certainly like all their predecessors in the same predicament, gather knowledge from experience. Which of them had not felt the capriciousness and treachery of men who had no responsibility?

He desired the House to remember the history of Lord Chatham. With how much honest confidence had that great man entered the royal closet! He thought his own elevated sentiments superior to all the duplicity which he could any where encounter. He consequently was equal to the transcendant abilities and virtues which he possessed, and to those astonishing actions and achievements which marked their exercise in the service of his country. But he had done too much to be forgiven. It was his ruin, not his honour, the secret advisers of majesty consulted. This he was not long in perceiving, though he did not perceive it till the injury meant had taken effect; and it was well known how it had operated both on his character and popularity.

Having gone over an infinite variety of topics, Mr. Fox observed, that he had always stated it as his opinion, that the House could advise the removal of ministers without giving their reasons. This was a most important question, but he dreaded the trial of it, as the consequence might be fatal. It ought, however, to appear to the House and the public, what the real debate was, and on what it hinged. There was nothing in it personal. The House was the object to be degraded, and there was not another step necessary to complete the catastrophe of the constitution. He was not a little sorry that the House was referred in the answer to the addresses. This he thought a language, at least, by no means constitutional, and regretted that it had been used from the throne; for, in his mind, there was a great difference between using it in parliament and arguing from it as far as it would go, and putting it in the king's answer to the address. This was giving it a consequence which he was not ready to admit, and he would, on all occasions, be extremely shy of establishing any thing like an appeal to the people against their representatives. He was against adverting to precedents, where the issue was so unfortunate to all the parties concerned; but the reigns of the Stuarts alone furnished the only ones which could apply to the present dispute; and who that had read and considered the history of those misguided and ill-advised princes, could help observing, that they were buoyed up with addresses in the very moment when they were virtually proscribed by the hearts and sentiments of their people? He was not very willing to say any thing about the addresses, either how they were procured, or to what extent; but he would say that there were certain constitutional questions on which they were by no means competent to advise the House; and whatever their opinion might now be of the matter pending between prerogative and privilege, he did not doubt but they

would one time or other be in a capacity to distinguish their friends from those who had all along endeavoured to make them their dupes.

He begged gentlemen would only look to both sides of the House, and consider with themselves who were the people most likely to form the government so much wanted. He had never said any thing of the present ministers with regard to their abilities, as he wished in the event of an union taking place to say nothing which could retard its progress. But now that this great object was apparently at an end, he would say that the right honourable gentleman over against him possessed very eminent talents. This was a tribute which he thought his due, and which he had never been backward to pay. He would not, however, go over the arrangement alphabetically, nor single out the several individuals of whom it was composed. But to speak of their abilities collectively was absolutely ridiculous; and therefore he might be allowed to think them not of ability equal to their situation. But this was not his only or his greatest objection to them. He did not know how he might be able to act with men who might possess the confidence of the secret advisers of majesty. He and his friends, as they had lately experienced, might then have to struggle at once with public dislike, on account of what it was their duty to do, and secret influence, consequently they could never be sure; and this was an obstacle of so serious a nature, that it deserved the attention of the House, as it appeared to him almost insuperable.

He had discussed the subject dispassionately, as men's minds were already but too much fermented to judge of it coolly. He knew and maintained the power of the House of Commons; but as the country was circumstanced, he still thought intermediate measures most eligible. These he always had, and ever would prefer. His intention, therefore, was to move an address, in which no reference was made to any thing which might appear ungracious, and suitable acknowledgments returned for whatever, in any part of it, would bear a favourable interpretation. This task had devolved on him, not because many on his side of the House were not equal to the task, or perhaps from personal circumstances might not have done it with more delicacy and propriety; but the train in which he had thought on the subject, and the constant attention he had ever given it, besides the satisfaction of avowing his ideas fairly and openly, as well as the large share he had hitherto taken in the debate, were all motives with him for standing forward in the business. He had used as much delicacy to ministers as he thought consistent with his duty, while the probability of some of them acting as his

colleagues in office remained. That probability, however, in his opinion, had now ceased; and he saw nothing for the future to forbid his giving way to those feelings and reflections which from every view of the subject were unavoidable.—Mr. Fox then moved,

"That an humble Address be presented to his majesty most humbly to represent to his majesty the satisfaction his faithful Commons derive from the late most gracious assurances we have received that his majesty concurs with us in opinion, that it concerns the honour of his crown, and the welfare of his people, that the public affairs should be conducted by a firm, efficient, extended, united administration, entitled to the confidence of his people, and such as may have a tendency to put an end to the unhappy divisions and distractions of this country:

"To acknowledge his majesty's paternal goodness, in his late most gracious endeavours to give effect to the object of our late dutiful representation to his majesty:

"To lament that the failure of these his majesty's most gracious endeavours should be considered as a final bar to the accomplishment of so salutary and desirable a purpose; and to express our concern and disappointment that his majesty has not been advised to take any farther step towards uniting in the public service, those whose joint efforts have recently appeared to his majesty most capable of producing so happy an effect.

"That this House, with all humility, claims it as their right, and on every proper occasion feels it to be their bounden duty, to advise his majesty touching the exercise of any branch of his royal prerogative.

"That we submit it to his majesty's royal consideration, that the continuance of an administration which does not possess the confidence of the representatives of the people, must be injurious to the public service.

"That this House can have no interest distinct and separate from that of their constituents; and that they therefore feel themselves called upon to repeat those loyal and dutiful assurances they have already expressed, of their reliance on his majesty's paternal regard for the welfare of his people, that his majesty will graciously enable them to execute those important trusts which the constitution has vested in them, with honour to themselves, and advantage to the public, by the formation of a new administration appointed under circumstances which may tend to conciliate the minds of his faithful Commons, and to give energy and stability to his majesty's councils."

"That as his majesty's faithful Commons, upon the maturest deliberation, cannot but consider the continuance of the present ministers as an unsurmountable obstacle to his majesty's gracious purpose to comply with their wishes, in the formation of such an administration as his majesty, in concurrence with the unanimous resolution of this House, seems to think requisite in the present exigencies of the country: They feel themselves bound to remain firm in the wish expressed to his majesty in their late humble address; and do therefore find themselves obliged again to beseech his majesty, that he would be graciously pleased to lay the foundation of a strong and stable government, by the previous removal of his present ministers."

A debate of considerable length ensued. In order to induce the House to reject the motion, the advocates of administration insisted principally on the smallness of the majority by which the resolutions of the House had been carried, and on the growing popularity of the ministers abroad. The necessity of resisting any encroachment upon the prerogative of the crown was also strongly urged, and of preserving that balance in the several branches of the legislature, to which the beauty, the permanence, and all the envied advantages of the British constitution were ascribed. Towards the close of the debate, Mr. Fox took occasion to explain the circumstances of the late negociation. He said he was of opinion, that when the message came down to the Duke of Portland, intimating his majesty's wishes that he should have a personal interview with Mr. Pitt, to form a new administration on a wide basis, and on fair and equal terms, there was no probability that any serious and cordial union should be formed from an interview grounded on such terms; but the Duke of Portland thought that the terms of the message might be construed in a manner which might warrant them in agreeing to a conference. The word "fair" no one could object to; it was a general term, and the parties might discuss and determine on what they conceived to be mutually fair in settling the several arrangements. That as to the word "equal," to which he in particular objected, his grace thought it might be meant in its more general unlimited sense of equitable, and in that sense there could be no objection to it. On this account the duke returned an answer, requesting that Mr. Pitt would explain the word "equal," but Mr. Pitt declared in so many words, that he did not think any farther preliminary explanation necessary. Here the matter broke off, for it was impossible that his grace could meet Mr. Pitt on terms which he refused to explain. The resolution of the St. Alban's meeting was not directed against either party: it was fairly impartial in its purport, and censured the one side for not explaining, as well as the other for not conceding. Mr. Pitt explained his conduct in regard to this negociation. He had always declared, he said, that he would never consent either to an actual or virtual resignation for the purpose of negociating. The message which his majesty sent to the Duke of

Portland was in every respect clear and unequivocal. When desired to explain what was meant by "equal," he had said that it would be best explained in a personal conference. His reason for this answer, and for not agreeing to take this word out of the message, and to let the term "fair" stand by itself, was, that by so doing it was an implication that they came to an interview to negociate a new administration, admitting the Duke of Portland's position, that "inequality was the basis of fairness.' Mr. Fox said, the objection of the duke carried no such inference. Substitute the word equitable in the room of equal, or explain what you mean by your own term, and the difficulty is removed. Mr. Marsham said, he trusted that gentlemen would yet put an end to their grammatical objections and verbal delicacies, and that an approach for a settlement might yet be made. Mr. Hopkins said, that in this hope, and to prevent farther inflammation, he would move the previous question.

Mr. Powys thought that unless there was any farther negociation pending between the two right honourable gentlemen, the motion for the address should be put, since the character of the House was involved in it. Mr. Pitt said, that no other negociation was pending; and as the question for the address was moved, he thought it better that the sense of the House should be taken upon it. The previous question was withdrawn.

The House then divided on the question for the address:

	Tellers.			*Tellers.*	
YEAS	Lord Maitland Mr. Byng	201.	NOES	Sir George Yonge Mr. Robert Smith	189.

So it was resolved in the affirmative; and agreed that the address should be presented to his majesty by the whole House.

March 4.

The House went up to St. James's with the address. On their return the Speaker read the king's answer, which was as follows:

"Gentlemen, I have already expressed to you how sensible I am of the advantages to be derived from such an administration as was pointed out in your unanimous resolution. And I assured you that I was desirous of taking every step most conducive to such an object: I remain in the same sentiments; but I continue equally convinced that it is an object not likely to be obtained by the dismission of my present ministers.

"I must repeat, that no charge or complaint, or any specific objection, is yet made against any of them. If there were any such ground for their removal at present, it ought to be equally a reason for not admitting them as part of that extended and united administration which you state to be requisite.

"I did not consider the failure of my recent endeavours as a final bar to the accomplishment of the purpose which I had in view, if it could have been obtained on those principles of fairness and equality, without which it can neither be honourable to those who are concerned, nor lay the foundation of such a strong and stable government as may be of lasting advantage to the country;

but I know of no farther steps which I can take, that are likely to remove the difficulties which obstruct that desirable end.

"I have never called in question the rights of my faithful Commons, to offer me their advice, on every proper occasion, touching the exercise of any branch of my prerogative. I shall be ready, at all times, to receive it, and give it the most attentive consideration: they will ever find me disposed to shew my regard to the true principles of the constitution, and to take such measures as may best conduce to the prosperity of my people."

Mr. Fox rose the moment the Speaker had finished his recital of the king's answer, and moved that his majesty's answer be taken into consideration on Monday next. This was unanimously assented to. The order of the day was then called for from the treasury bench, for going into a committee on the report of the account of the finances of the East India company, presented by the court of directors; and Mr. Eden, who had caused the order to be made a few days ago, moved that it be read. Upon this, Mr. Welbore Ellis said, the House seemed to him to have laid it down as a rule of practice, not to go into any public business whatever until questions that immediately concerned the privilege and dignity of the House were first disposed of. Upon this principle he moved that the order of the day be adjourned to Monday. Mr. Fox seconded the motion, saying, that he did it not with any view to delay public business, or to withhold any supply; and he intended that his conduct should prove the sincerity of his professions. But surely when a matter of such moment as the king's answer was to be discussed, and to be followed up with some measure that ought to be final, he thought that twice twenty-four hours could not be thought too long a time for deliberation. Mr. Pitt said, the honourable gentleman wished not to be thought desirous to stop supplies; but when he proceeded to delay, from day to day, it was very natural for people to think that he meant to refuse. He did not think, that, after the manner in which the pitiful trick of adjournment last week had been treated, another would have been made this day to delay the public business, by another adjournment. The mutiny bill stood for to-morrow; he hoped that when gentlemen considered how very soon the mutiny act was to expire, they would not think it expedient to put off the consideration of that bill, any longer. If gentlemen should think proper to adjourn to Monday, the House was surely too thin to discuss that question; all therefore that they ought in reason to expect, was, that the House should now adjourn till to-morrow; and then in full House it might be determined, whether all business should be postponed to Monday. Mr. Fox said that it was now only the 4th of March, and the mutiny act would expire on the 25th; there was nothing, therefore, that was very pressing on that head; for if it should be sent to a committee on Tuesday the 9th of March, it could be sent time enough to the lords for them to pass it before the expiration of the present mutiny act, for he believed it differed in very few particulars from former mutiny bills; it might indeed be necessary to make the new one shorter in its duration; and he hoped that this one privilege was still left to the Commons,

that the mutiny bill, providing quarters for the army, and consequently imposing burdens on their constituents, could not be altered by the lords, after it should have been sent up to them by the Commons. With respect to the delay of public business, he thought the charge came with a very bad grace from the right honourable gentleman. Seven weeks had passed since the meeting after the recess, and six weeks, wanting a day, since the only measure proposed by the right honourable member was rejected. In the whole course of that time he could lay at the door of Opposition a delay of only four days, namely the adjournment from Wednesday last to Monday last. For his part he approved of that adjournment, and also of that which was this day proposed; however, in order to take away even a handle for misrepresentation, he would agree to meet to-morrow, provided it was understood that the first question to be discussed should be, whether the House should adjourn to Monday, or proceed then to business. Mr. Pitt expressed with a nod his approbation of the proposal.

March 5.

The secretary at war having moved the order of the day for going into a committee on the mutiny bill,

Mr. Fox immediately rose. He said, that as the House had made to itself a rule that every other business should give way to the consideration of his majesty's answers, when they were closely connected with the privileges of the Commons, it would not be decent either towards his majesty or the House, to proceed on that day, to send the mutiny bill to a committee. And, indeed, when he considered the nature of the bill, he found it to be one of the almost innumerable acts which were done every session on a principle of confidence; therefore, until the House should have taken some step to fill up and consummate the measures which had lately been adopted, he did not think that so very important a bill as was that for punishing mutiny and desertion, should be debated. Of all the acts by which confidence in a minister could be expressed, perhaps the passing of a mutiny bill was the most striking: it was entrusting to the direction of a minister a standing army, of which this constitution was so justly jealous. How, then, could a minister, in whom the House had already declared it could place no confidence, expect that at the moment, and without any previous deliberation, the House would bestow upon him the very strongest mark of confidence? He begged, however, not to be understood to insinuate in the most distant degree, that a mutiny bill ought not to pass: he was sure there was not a man in the House who had the most remote idea of opposing it; a mutiny bill

was, unquestionably necessary; and the House could not avoid passing it; for a standing army, however contrary to the genius of this constitution, was become an excrescence that could not now be removed. But though a mutiny bill must of necessity pass, it by no means followed that it must be in point of duration equal to all those mutiny acts that had preceded it; a bill for a month or six weeks would keep the army together, without calling upon the House to surrender a right so very necessary at that moment for the preservation of its privileges. The delay from that day to Monday or Tuesday, could be attended with no dangerous consequences. This was the 5th of March, the present mutiny act would not expire before the 25th, and consequently there would be full time for sending it to the lords and for them to pass it before the expiration of the present act. He here observed, that it was to be hoped the lords would not attempt to make any alteration in a bill, which was to all intents and purposes a money bill: and he begged leave to conclude with an observation, that as the House had last year passed two or three short mutiny bills, so one of them was moved as late as the 14th of March, though it was to replace an act that was to expire on the 25th, and no one expressed then an apprehension, that being moved so late, it could not be passed in so short a time as was necessary; he requested therefore, that it might be remembered, that though the consideration of this year's mutiny bill should be put off to Tuesday the 9th, still it would even then be moved for five days earlier than the mutiny bill was moved for last year. He then moved, that the order of the day, for going into the consideration of the mutiny bill, be adjourned to Monday next. He said he fixed upon Monday, though he did not think there would be time for going into the bill on that day, after the House should have taken his majesty's answer into consideration; but he did it to shew, that he meant to bring it forward as soon as possible, so that it might stand the first in order for Tuesday.

After a short debate, the House divided on Mr. Fox's motion.

	Tellers.			*Tellers.*	
YEAS	Lord Maitland Mr. Byng	171.	NOES	Mr. Eliot Mr. Robt. Smith	162.

So it was resolved in the affirmative.

Mr. Fox's Motion for a Representation to the King on the State of Public Affairs.

March 8.

THE expectations of the public were so uncommonly excited to hear the important proceedings of the House on this day, that members took the trouble of going down with their friends to procure them admission to the gallery at ten in the morning. By eleven the place allotted for strangers was crowded, and the gentlemen sat, with the utmost patience, from that hour till four in the afternoon without any business; at that time counsel was heard on Nisbet's divorce bill; and just as the House was proceeding to the important business for which the relations and friends of the members had undergone so much fatigue, Sir James Lowther rose, and complained that on bringing down his friend, the brother of the member for St. Alban's, he found it impossible to procure a seat in the gallery for him, though it was only at half past three; and this being the case, and also because he had reason to believe that there might be strangers in the gallery not introduced by members, he insisted upon enforcing the standing order of the House, and desired that all strangers might be ordered to withdraw. Many members interfered, and with great earnestness solicited the honourable baronet to recede from his order; but Sir James had said it, and the gallery was accordingly cleared. In consequence of this circumstance a full report of what was said upon this occasion has not been preserved. After a laudable effort on the part of the country gentlemen to moderate the spirit of the times, and to procure a short adjournment, had been opposed by ministers,

Mr. Fox rose, and after a brilliant preface, containing an exposition of the curious and uncommon circumstances of the time, and of his own situation, stated a number of general axioms for the government of a free state, full of the most elevated policy. It was not, he said, right that the ministers of the country should be so immediately dependent on the crown, as it seemed now the fashion to assert they ought to be: if their study was to please the crown, then ministers, it seemed, were safe; but if they dared to do their duty, their own ruin was the certain consequence: it well became the House of Commons, therefore, not to suffer men to be disgraced and forsaken who had been thus strenuous in their duty: it was better, he said, to be a courtier in France than in England, for there the king's favour was the sole object; but here the courtier must play a double part; for he must also delude or enslave the House of Commons into obedience to the crown and its secret advisers. As for the king's answer, he could not have thought it possible for any minister to put into the

mouth of majesty such contradictions and such scandalous duplicity: there were passages in it big with danger to the freedom of this constitution; he could not have believed that the right honourable gentleman had so detested this constitution, he could not have believed that he would have dared so to insult the House of Commons, as again to ask for the reasons of their resolutions. Every beggar, in every arbitrary country, had a right to petition his king, stating the reasons of his petition: and this forsooth, was the mighty privilege, that by that speech the king was advised to allow the British House of Commons. The House of Commons had often addressed, without stating their reasons. He then desired the clerk to read the Address on the 27th of February 1782, in the case of the American war, which desired his majesty to put an end to an offensive war on that continent; as the withdrawing of the troops from thence would give us advantage over the French in other quarters, and would tend to conciliate the Americans. Thus, he said, the House there gave only a general reason, in the same manner as in their late address. The House, in the one instance, had desired the king to withdraw his troops for the sake of making peace with America: in the present case they desired the king to dismiss his ministers, for the sake of making an united and extended administration. It was true, that in the instance of the American war, the king returned an answer, declaring, indeed, his approbation of the end they sought, but not explicitly promising his concurrence in the means; upon which the House instantly came to a resolution, that he should be an enemy to his country who should advise his majesty to prosecute an offensive war in America.

Upon exactly similar ground the House of Commons, in the present instance, ought to be admitted as the best judges both of the means and of the end; and he should be perfectly warranted by this precedent to move a resolution, "that he was an enemy to his country, who should advise his majesty to continue his present administration;" by the earnest advice of some friends, however, he did not mean to propose such a resolution; what he should move would not be an address, but an humble Representation to his majesty, for, to that no answer was customary; and he wished for no answer, because nothing was so unseemly, nothing could disgrace us more in the eyes of Europe and the world, than to see the king of England and his parliament wrangling about words, and engaged in a controversy of such a kind. All things considered, he said he did not intend to stop the supplies: that the country was ruined, and completely undone, was most clear; that public credit could not stand; that our fo-

reign concerns must run to ruin, he believed every man must now see; those, however, were responsible, who had brought the country into this state of distraction: for his part, so far from stopping the supplies, he should press ministers to bring forward the public business; he would bring on his own amended India bill: but if it was lost in the other House, ministers were bound to come forward with some new plan for India: and, indeed, every part of our public affairs cried aloud for their instant attention.

Mr. Fox then defended Mr. Powys and Mr. Marsham from the charge of inconsistency; he said they could not abet ministers, for whom they professed even a predilection, in their resistance to the House of Commons. Some there were who had agreed with him in the outset of the dispute, but who, as appeared by the decrease of the majorities, had gone over to the side of administration. How to defend the consistency of such men was indeed difficult; and it was some comfort to find, that, on examining the persons of such deserters, it appeared that those who had come over to him were men every way respectable; while those who had left him, on the other hand, (as was naturally to be expected) were men of whose company and of whose society no man, he believed, was ever very ambitious. Mr. Fox said a few words concerning the total impossibility of union which now appeared; the right honourable gentleman had proved himself so averse to it, even in the opinion of some who were his friends, that the world would know on which side to lay the blame, and who it was that they were to charge with immoderate ambition. He then moved,

"That an humble Representation be presented to his majesty, most humbly to testify the surprize and affliction of this House, on receiving the Answer which his majesty's ministers have advised, to the dutiful and seasonable address of this House, concerning one of the most important acts of his majesty's government:

"To express our concern, that when his majesty's paternal goodness has graciously inclined his majesty to be sensible of the advantage to be derived from such an administration as was pointed out in our resolution, his majesty should still be induced to prefer the opinions of individuals to the repeated advice of the representatives of the people in parliament assembled, with respect to the means of obtaining so desirable an end:

"To represent to his majesty, that a preference of this nature is as injurious to the true interests of the crown, as it is wholly repugnant to the spirit of our free constitution; that systems founded on such a preference are not, in truth, en-

tirely new in this country: that they have been the characteristic features of those unfortunate reigns, the maxims of which are now justly and universally exploded; while his majesty and his royal progenitors have been fixed in the hearts of their people, and have commanded the respect and admiration of all the nations of the earth, by a constant and uniform attention to the advice of their commons, however adverse such advice may have been to the opinions of the executive servants of the crown:

"To assure his majesty, that we neither have disputed, nor mean, in any instance, to dispute, much less to deny, his majesty's undoubted prerogative of appointing to the executive offices of state such persons as to his majesty's wisdom shall seem meet: but, at the same time, that we must, with all humility, again submit to his majesty's royal wisdom, that no administration, however legally appointed, can serve his majesty and the public with effect which does not enjoy the confidence of this House: That in his majesty's present administration we cannot confide; the circumstances under which it was constituted, and the grounds upon which it continues, have created just suspicions in the breasts of his faithful Commons, that principles are adopted, and views entertained, unfriendly to the privileges of this House, and to the freedom of our excellent constitution: That we have made no charge against any of them, because it is their removal, and not their punishment, which we have desired; and that we humbly conceive, we are warranted by the antient usage of this House, to desire such removal without making any charge whatever: That confidence may be very prudently withheld, where no criminal process can be properly instituted: that although we have made no criminal charge against any individual of his majesty's ministers, yet with all humility we do conceive, that we have stated to his majesty very distinct objections, and very forcible reasons, against their continuance: That with regard to the propriety of admitting either the present ministers, or any other persons, as a part of that extended and united administration, which his majesty, in concurrence with the sentiments of this House, considers as requisite, it is a point upon which we are too well acquainted with the bounds of our duty to presume to offer any advice to his majesty, well knowing it to be the undoubted prerogative of his majesty to appoint his ministers without any previous advice from either House of parliament, and our duty humbly to offer to his majesty our advice, when such appointments shall appear to us to be prejudicial to the public service:

"To acknowledge, with gratitude, his majesty's goodness, in not considering the failure of his recent endeavours as a final

bar to the accomplishment of the gracious purpose which his majesty has in view; and to express the great concern and mortification with which we find ourselves obliged to declare, that the consolation which we should naturally have derived from his majesty's most gracious disposition, is considerably abated, by understanding that his majesty's advisers have not thought fit to suggest to his majesty any farther steps to remove the difficulties which obstruct so desirable an end:

"To recal to his majesty's recollection, that his faithful Commons have already submitted to his majesty, most humbly, but most distinctly, their opinion upon this subject: that they can have no interests but those of his majesty, and of their constituents; whereas, it is needless to suggest to his majesty's wisdom and discernment, that individual advisers may be actuated by very different motives:

"To express our most unfeigned gratitude for his majesty's royal assurances, that he does not call in question the right of this House to offer their advice to his majesty on every proper occasion, touching the exercise of any branch of his royal prerogative, and of his majesty's readiness, at all times, to receive such advice, and to give it the most attentive consideration:

"To declare, that we recognize in these gracious expressions those excellent and constitutional sentiments, which we have ever been accustomed to hear from the throne since the glorious æra of the revolution, and which have peculiarly characterized his majesty, and the princes of his illustrious house; but, to lament that these most gracious expressions, while they inspire us with additional affection and gratitude towards his majesty's royal person, do not a little contribute to increase our suspicions of those men who have advised his majesty in direct contradiction to these assurances, to neglect the advice of his Commons, and to retain in his service an administration, whose continuance in office we have so repeatedly and so distinctly condemned:

"To represent to his majesty, that it has anciently been the practice of this House to withhold supplies until grievances were redressed; and, that if we were to follow this course in the present conjuncture, we should be warranted in our proceeding, as well by the most approved precedents, as by the spirit of the constitution itself; but if, in consideration of the very peculiar exigencies of the times, we should be induced to wave, for the present, the exercise, in this instance, of our undoubted, legal, and constitutional mode of obtaining redress, that we humbly implore his majesty not to impute our forbearance to any want of sincerity in our complaints or distrust in the justice of our cause:

"That we know, and are sure, that the prosperity of his majesty's dominions in former times has been, under Divine Providence, owing to the harmony which has for near a century prevailed uninterruptedly between the crown and this House: that we are convinced, that there is no way to extricate this country from its present difficulties, but by pursuing the same system to which we have been indebted at various periods of our history for our successes abroad, and which is at all times so necessary for our tranquillity at home: that we feel the continuance of the present administration to be an innovation upon that happy system: that we cannot but expect, from their existence under the displeasure of this House, every misfortune naturally incident to a weak and distracted government: that if we had concealed from his majesty our honest sentiments upon this important crisis, we should have been in some degree responsible for the mischiefs which are but too certain to ensue:

"That we have done our duty to his majesty and our constituents in pointing out the evil, and in humbly imploring redress: that the blame and responsibility must now lie wholly upon those who have presumed to advise his majesty to act in contradiction to the uniform maxims which have hitherto governed the conduct of his majesty, as well as every other prince of his illustrious house; upon those who have disregarded the opinions, and neglected the admonitions of the representatives of his people, and who have thereby attempted to set up a new system of executive administration, which, wanting the confidence of this House, and acting in defiance to our resolutions, must prove at once inadequate, by its inefficiency, to the necessary objects of government, and dangerous, by its example, to the liberties of the people."

After a debate which lasted till twelve o'clock, the House divided:

	Tellers.			*Tellers.*	
YEAS	Lord Maitland Mr. Byng	191.	NOES	Mr. Steele Mr. Robt. Smith	190.

Mr. Fox's motion was consequently carried by a majority of 1.

This representation was the last effort made by Opposition. On the 10th of March the mutiny bill passed without a division. A general report now prevailed, that parliament was to be immediately dissolved. All the supplies had been regularly voted, to the amount of near ten millions, but, with the exception of the land and malt tax bills, no money had been raised or appropriated to specific services. It was, however, contended, that the voting of the supplies would be a sufficient justification to the ministry for issuing money for the necessary expenditure of government. On the other side it was urged, that the House having resolved, that such

issuing of the public money would be subversive of the constitution, and an high crime and misdemeanor, no plea of necessity could be available, since the emergency would be wilfully created by those who should advise his majesty to dissolve the parliament. The most pointed personalities were addressed to Mr. Pitt on this subject, but in vain; he persevered in an absolute refusal to discuss the points at all; and on the 24th of March the parliament was prorogued, and the day following dissolved by proclamation.

WESTMINSTER SCRUTINY.

May 24.

AT the general election, Lord Hood, Mr. Fox, and Sir Cecil Wray, offered themselves as candidates to represent that city in parliament*. The first of these gentlemen was elected by a

* Upon this occasion Mr. Fox published the following Addresses to the electors of Westminster.

To the worthy and independent electors of the city and liberty of Westminster.

Gentlemen,

His majesty's ministers having thought fit, in contradiction to their own declarations, in defiance of the sense of the House of Commons, and without any public pretence whatever, to subject the nation to all the inconveniences which must infallibly attend a dissolution of parliament at the present moment, I humbly beg leave, once more, to solicit the favour of your votes and interest, to represent this great and repectable city.

To secure to the people of this country the weight which belongs to them in the scale of the constitution, has ever been the principle of my political conduct.

Conscious that in every situation, (whether in or out of office,) I have invariably adhered to this system, I cannot but flatter myself that you will again give your sanction to those principles which first recommended me to your notice, and which induced you, at two subsequent periods, to honour me with your suffrages. I have the honour to be, gentlemen, &c.

C. J. Fox.

St. James's-street, March 24.

To the worthy and independent electors of the city and liberty of Westminster.

Gentlemen,

When the popular delusion in favour of the present ministry was supposed to be most prevalent, I was confident that the good sense and steadiness of the electors of Westminster would be a proof against every art and every temptation.

The unparalleled success which I have experienced upon my canvass,

very large majority; the struggle betwixt the two last was long and obstinate: after continuing the contest for upwards of six weeks, it was finally concluded on the 17th day of May 1784, leaving a majority of 235 voters in favour of Mr. Fox. The high bailiff, at the requisition of Sir Cecil Wray, the unsuccessful candidate, granted a scrutiny into the poll which he had taken, on the day on which it closed, and which was the day previous to the return of

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fully justifies this confidence, and I have the greatest reason to expect that your partiality towards me will appear to have encreased in proportion to the persecution of my enemies.

As I have ever stood forth, and am always resolved to continue firm in the cause of the people, so it is not to be wondered at that I should at all times be the object of the enmity of that pernicious faction whose principles are as adverse to the constitution as the dark and secret manner in which they have endeavoured to enforce them.

It would have been my most earnest wish to have paid my respects in person to every individual elector, if the extent of the city had not made it impossible.

The very flattering reception I have met with among those whom I have had the opportunity of seeing, cannot but add to my regret upon this account.

My public conduct is too well known to you to make any professions necessary; upon that ground I first experienced your partiality; upon that alone I can expect to retain it.

To you who have approved it, I need say no more; and I will not be guilty of the unbecoming flattery to those who have differed from me, as to pretend that I shall in any degree deviate from that line of political conduct which first recommended me to your notice.

Upon these tried principles, I once more beg leave to solicit your votes, interest, and poll, at the ensuing election; and I do assure you that no expressions can do justice to the sentiments of gratitude and esteem with which I am, gentlemen, &c.

C. J. Fox.

St. James's-Street, March 31, 1784.

To the worthy and independent electors of the city and liberties of Westminster.

Gentlemen,

The present state of the poll exhibits a glorious example of what may be expected from the perseverance of independent men in the cause of liberty and the constitution.

I beg leave most earnestly to solicit the continuance of your generous exertions in my favour.—The importance of every individual vote is now sufficiently evident; and the number of electors who have assured me that they would come forward whenever it should appear that their vote might probably be decisive, leaves me no doubt of success.

The unprecedented exertions which the servants of the crown have thought themselves at liberty to make against me, as well by an indecent prostitution of the most sacred names, as by every other species of unconstitutional influence, have produced the effects naturally to be expected from such proceedings, by raising the spirit and awakening the indignation of every honest and independent elector.

My public life is too well known to you to make any professions necessary. Those principles which brought about the glorious revolution, which

his writ. This mode of proceeding was on the spot formally protested against by Mr. Fox, and also by several of the electors. Immediately on the meeting of the new parliament, the conduct of the high bailiff in granting the scrutiny, under the circumstances above-mentioned, was warmly taken up by Opposition, and as warmly defended by the minister and his friends.

On the 24th of May, Mr. Lee moved, "That Thomas Corbett, bailiff of the liberty of the dean and chapter of the collegiate church of St. Peter, at Westminster, whose duty it was to execute the precept directed to him by the sheriff of Middlesex, for the election of two citizens to serve in the present parliament for the city of Westminster, and to return the same to the sheriff on or before the 18th day of May inst., being the day on which the present parliament was appointed to be holden, having proceeded to take, and having finally closed the poll before the said 18th day of May, ought to have returned two citizens to serve in parliament for the said city." The master of the rolls, Sir Lloyd Kenyon, on moving the previous question, said, that nothing had ever surprised him more than the conduct of his learned friend, who ought to be so strict an observer of those principles laid down by law and reason, without which justice could not be administered between man and man: the great principle to which he principally alluded and which his learned friend seemed to have totally forgotten, or overlooked on the present occasion, was that which bound a judge not to condemn on partial evidence; and not to punish any man without having first given him a hearing; *audi alteram partem* was an eternal and immutable law of justice, by which every tribunal was bound. But it was not a little singular, that while his learned friend was condemning a returning officer for what he called a breach of law, he himself was endeavouring to persuade the House to violate the most obvious rule of law, justice, and equity; for he was calling for censure and for punishment on the high bailiff, without giving that gentleman an opportunity to defend himself.

Mr. Fox said, that in the whole course of his life he never was witness to so gross a perversion of the meaning of the ex-

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seated his majesty's illustrious family upon the throne, and which have preserved the liberty of this constitution, have ever been the inviolable rule of my political conduct.

Upon these grounds I again presume to request your support; and if I should be happy enough to be re-elected representative of this great and respectable city, you may depend upon finding in me a steady supporter of the whig cause, a determined enemy to that secret influence by which the present administration was created, and an unalterable friend to the rights of the people.

I am, with every sentiment of gratitude and respect, gentlemen, &c.

C. J. Fox.

St. James's-Street, April 26, 1784.

pression *audi alteram partem*, as the learned gentleman had furnished him with this day. Who, in fact, was the party before the House? Who the party absent and unheard? The high bailiff was, in fact and in truth, so far from being absent, the only party that was before the House; his conduct was avowed, the reasons for that conduct were upon the table. He himself (Mr. Fox) was another party: but though he was actually present as member for another place, still he was virtually absent; and therefore if any one was unheard, it was himself. He little expected that a question of this kind would have been made a party question. He drew a good omen a few days ago from what a right honourable gentleman said, when he observed, that motions ought to be considered on their own intrinsic merit, and totally distinct from any consideration of the persons by whom made, or by whom supported: on this ground he expected this motion would have been debated. But good as was the omen he drew on Tuesday last, that which presented itself to him now, from the manner in which the motion made by his learned friend was received, was as bad. The case of the sheriffs of Coventry, he contended, had nothing in common with the present; in the kind of return that they made to the House, they stated that they had been prevented by tumults and riots from obeying the king's writ. The excuse turned upon a matter of fact: the allegation might be true; it might be false; and therefore enquiry was absolutely necessary: but in the present case, the point for consideration was a point of law, not of fact; and therefore the House was competent to determine it at this moment, as well as after a month's enquiry: the question was, whether a returning officer was, or was not, bound to return the member on the day on which the writ was returnable? And therefore there would be no injustice to the high bailiff, if the House should proceed without any farther inquiry to determine that question. Nay, though it should determine it in the affirmative, it did not follow that such a determination would even imply a censure on him; nothing was more common than for committees to order returns to be amended; and yet no one ever imagined that the returning officer was thereby censured by implication. It was the case in the great Oxfordshire contest, when the sheriff returned the three candidates. The House amended the return, but no one thought the sheriff censured; on the contrary, his conduct was pronounced to be fair and impartial.

It had been hinted, he said, that he would have demanded a scrutiny, if he had had the minority at the close of the poll; nay, that he had pledged himself to support a scrutiny. The truth was, he never pledged himself to support a scrutiny

but unquestionably he had pledged himself to institute an inquiry before that tribunal, which, from its nature, was least liable to partiality, and which was vested by law with powers to procure evidence: before a committee, under Mr. Grenville's act, he certainly meant to bring it, and there it should be prosecuted, if he was permitted to appeal to it. He was ready to admit, that if the poll had been closed earlier in the month than it was, he would have demanded a scrutiny, but without the most distant idea of bringing it to a conclusion before the high bailiff; and that officer could tell from private conversation with him, that he had said the same thing to him: but what would have begun in a scrutiny, should have ended in an enquiry before a select committee of the House of Commons. A scrutiny, under the present circumstances, could answer no other end than that of trying the strength of purses: a very unequal contest indeed, when it was considered by whom his adversary was supported!

It had been hinted, also, that he had spun out the poll; the fact was the reverse, for he could declare upon his honour, that until Thursday or Friday last, no proposal had been made to him from any authority, to close the poll: that it lasted from that time till the Monday following, was certainly his act; and his reason for keeping the poll open to the last moment, was, that he was resolved to make the high bailiff acknowledge, that the poll ought to be closed on or before the day on which the writ was returnable; or that it might be kept open after. Now, the high bailiff had closed the poll by his own authority, saying, that he could not carry it on after the day that his writ was returnable: — it was not closed, because there were no more electors to poll, for that was not the case; — nor was it closed by the mutual consent of the candidates; for he had not consented to it: so that it was the high bailiff that closed it by his own authority; and the reason assigned by him was, that he must return the writ, and therefore he must close the books. Now, he would ask those who contended that the high bailiff was not *functus officio* on the 18th instant, because a scrutiny was in fact nothing but a poll, why he should hold himself obliged to close the poll on the 17th, and yet carry it on afterwards under the name of a scrutiny? To such a man he would always object as a returning officer; for as there was nothing so like a poll as a scrutiny, so there was nothing so like Thomas Corbett on the hustings in Covent Garden, as Thomas Corbett in the vestry-room of St. Paul's, St. Ann's, &c. But those who had advised the curious return he made, were resolved, that as far as in them lay, he should not have even the possibility of appealing to any other tribunal, if he should decline a scrutiny

before the high bailiff; for they had drawn up the return in such a form, that he was afraid he should not be able to complain of it in such a manner as to have it referred to a committee of the House. Had Sir Cecil Wray been returned, then he might complain of that return, and so bring it to a determination. However, he pledged himself to those independent electors, who had so nobly supported him, to have the election brought before a committee in some way or other; he owed it to them; he owed it to the country, he owed it to himself.

The principle of Mr. Grenville's bill was to prevent party, or power, or faction, let gentlemen call it by what name they pleased, from availing itself of its numbers, to determine an election, and so keep out of the House a character disliked by ministers, or force upon the constituents a representative whom they had not elected. This was certainly a good principle; but, if the doctrine should prevail, that elections might be kept open after the return-day of the writ, might not ministers entirely defeat this principle? With the returning officers under their influence, they might cause a scrutiny to be demanded, and granted, and spun out to such a length, that places might actually be kept for a whole parliament without representatives. In the present case, however, the law gave him a popular action against the high bailiff, which he was determined to pursue; for the statute of the 10th and 11th of William III. said, "That every sheriff, or other officer or officers aforesaid, who shall not make the returns according to the true intent and meaning of this act, shall forfeit for every such offence the sum of 500l., one moiety whereof shall go to his majesty, and the other to him or them that shall sue for the same," &c. If the House should order him to proceed with the scrutiny, he must obey; but he must protest against a measure, which could tend only to drain the pockets of public-spirited men; and which in its very nature must be inefficacious, as the scrutiny for London would clearly demonstrate; for, as during eight or nine days, only as many votes were disqualified, he would have the rule of three adopted, to ascertain in what length of time the scrutineers could get through six thousand votes. The noble lord wished to have the business brought before the high bailiff, who, he said, would get through it in five months; but who told him that? The scrutiny in the case of Trentham and Vandeput lasted five months, though it was cut off in the middle. The noble lord admitted for argument's sake, that precepts and writs were in their nature synonymous; he might have admitted it for the sake of truth; but the noble lord used the former, because he was much more attached to argument than to truth.

As to the numbers on the poll, which to the returning officer, as it had been very properly said, ought to have been conclusive, he had not a doubt but there was of them a legal majority in his favour. From the time that his adversary's majority began to fall off, the parish books were produced, and the electors were scrutinized as they offered themselves; and upon this sort of scrutiny he had almost every day gained upon his adversary; and as for the last fourteen days, not more than thirty or forty polled on a day, the high bailiff might very easily have been able to make up his mind upon the legality of the votes, which would not have been so easy a task if the electors had polled by hundreds as at the beginning of the election; and therefore he could now see no ground for a scrutiny. He declared, he wished Sir Cecil Wray was returned, that there might be such a return before the House as he should be able to bring before a select committee. He concluded by observing, that the arguments drawn from writs of *fieri facias*, did not apply in this case; for in the former, the court out of which they issued, might enlarge them, whereas the king issued the writs for calling parliaments, but the House of Commons enjoyed the exclusive privilege of judging of the returns.

The House divided on the previous question:

	Tellers.			*Tellers.*	
YEAS	Lord Maitland Mr. North	136.	NOES	Mr. R. Smith Mr. Steele	283.

So it passed in the negative.

May 25.

A petition was presented to the House from Mr. Fox, setting forth: "That at the late election of two citizens to serve in this present parliament for the city of Westminster, the right honourable Sir Samuel Hood, baronet, Baron Hood of the kingdom of Ireland, Sir Cecil Wray, baronet, and the petitioner, were candidates; and that, a poll being demanded, the same was opened by Thomas Corbett, bailiff of the liberty of the dean and chapter of the collegiate church of Saint Peter at Westminster, on the 1st Day of April 1784, and continued from day to day, Sundays excepted, until the 17th day of May, being the day before the day on which this present parliament was summoned to meet, and when the writs for the election of members to serve therein were commanded to be returned; on which said 17th day of May, at three of the clock in the afternoon, the said Thomas Corbett finally closed

the said poll; and that the numbers upon the said poll, at the final close of the same, were as follows, viz. For Lord Hood 6694 — For the petitioner 6233 — For Sir Cecil Wray 5998; and that, in consequence of an agreement proposed by Lord Viscount Mahon, on the part of Lord Hood and Sir Cecil Wray, and entered into between the said candidates at the commencement of the said poll, eleven inspectors on each side, and five friends on each side, constantly attended the said poll, and no vote to which any objection was made, was received for the petitioner on the said poll, without an appeal to the presiding officer, and his decision that such vote was good; and that, in the early part of the said poll, Sir Cecil Wray obtained a majority of votes thereon, to the number of 318, and that, from the time such majority began to be diminished, to the final close of the said poll, almost every vote which was tendered for the petitioner was vehemently contested, and every objection which could be suggested, either by inspectors, friends, or counsel, was made thereto; and that the said poll was finally closed by the said Thomas Corbett, neither by the consent of the candidates, nor after a certain interval, without the tender of any vote, but by his the bailiff's own authority, because the king's writ to the sheriff commanded the same to be returned by the 18th day of May 1784; and that the said precept from the sheriff to the bailiff of Westminster, after informing the said bailiff that he the said sheriff had received a certain writ of the king to him directed, which is in such precept set out in the very words thereof, commands the said bailiff to cause two citizens to be elected for the said city, according to the exigency of the said writ, and in what manner he shall have executed that precept, immediately after the said election, to make known to the said sheriff, so that he may certify the same to the king in his chancery, as by the said writ he is commanded; and that not only the plain and precise terms of the said writ and precept, but the constant and invariable usage of parliament, require a return of members to serve in parliament on or before the 18th day of May, being, in this instance, the day on which the parliament was summoned to meet; and that the act of the tenth and eleventh of King William the third, chap. 7., doth positively and unequivocally require the sheriff, or other officer, having the execution and return of any writ for the election of members to serve in any new parliament summoned and called, to make return of the same on or before the day that such parliament shall be called to meet; and that, after the final close of the said poll, at three of the clock in the afternoon, on the 17th day of May, a scrutiny of the said poll was demanded on behalf of Sir Cecil Wray, which was immediately objected to by the petitioner, who strongly urged that such scrutiny could not be proceeded upon by the said bailiff after the time on which, by law, he was required to return the said writ, and that, when he had finally closed the said poll, because by law he had no power to continue the same any longer, it would be inconsistent and absurd to grant a scrutiny into such poll, to commence and be proceeded upon by him after his power to continue such poll was terminated; yet the said bailiff did take

upon him, contrary to the exigency of the writ, the positive injunctions of the said statute, and the invariable law and usage of parliament, in the most arbitrary and illegal manner, to declare that he would grant such scrutiny, to commence and be proceeded upon after the day appointed for the return of the writs for summoning this parliament; and that, immediately after the final close of the poll, and casting up the numbers, which appeared to be in favour of Lord Hood and the petitioner, the electors of the said city and liberty caused an indenture of return of Lord Hood and the petitioner, executed by the said electors, to be tendered to the said high bailiff, but he positively refused to accept or to execute the same; and that, notwithstanding such pretence of granting a scrutiny, the said bailiff, being well aware that he was bound by law to make a return on or before the said 18th day of May, and that it was not lawful for him, on any pretence, to refuse or neglect to make a return, did on the said 17th day of May make to the sheriff of Middlesex the return hereinafter set forth; and that the sheriff of the county of Middlesex has made the following return to the clerk of the crown: 'The sheriff of the county of Middlesex certifies and 'returns that, by virtue of the writ to him directed, he, on the '26th day of March, in the twenty-fourth year of his present 'majesty's reign, duly made and delivered his precept to the bailiff 'of the liberty of the dean and chapter of the collegiate church 'of St. Peter at Westminster, whereby he commanded him, without delay, to cause two citizens to be elected for the said city; 'and that, on the 17th May, in the year aforesaid, he did receive 'from the said bailiff a return or answer to the said precept, and 'which he hath annexed to the writ to him the said sheriff directed, 'and which return or answer is in the words and figures following: '— Thomas Corbett, bailiff of the liberty of the dean and chapter of 'the collegiate church of St. Peter at Westminster, in the county 'of Middlesex, doth hereby certify unto the sheriff of the said 'county of Middlesex, that, by virtue of a certain precept, dated 'the twenty-sixth day of March last, and on the same day de'livered to him the said bailiff by the said sheriff, for the elec'tion of two citizens to serve in the ensuing parliament for the 'city of Westminster, and by virtue of the writ therein recited '(proclamation of the premises in the said precept first mentioned, 'of the day and place, as in the said precept is directed, first 'being made), he the said bailiff did proceed to the election of 'two citizens to serve in the ensuing parliament for the said 'city of Westminster, on the first day of April now last past; 'on which day appeared, and were put in nomination, the three 'candidates hereinafter named, and a poll being demanded, he 'the said bailiff did forthwith proceed to take the said poll, 'and continued to take the same day by day, during six hours 'each day, viz. from nine in the forenoon to three in the afternoon, until the day of the date of these presents, inclusive; 'on which day the said poll was finally closed, when the numbers 'on the said poll, for the said several candidates, stood as follows, 'viz. For the Right Honourable Sir Samuel Hood, baronet, Baron

'Hood of the kingdom of Ireland, 6694—For the Right Honourable Charles James Fox 6233—For Sir Cecil Wray, baronet, 5998; and the said bailiff further sets forth, that, on the said final close of the poll, a scrutiny was duly demanded in behalf of the said Sir Cecil Wray, which scrutiny the said bailiff has granted, for the purpose of investigating the legality of the votes more accurately than could be done upon the said poll; and the said scrutiny so granted is now pending and undetermined; and, by reason of the premises, the said bailiff humbly conceives he cannot make any other or further return to the said precept than as hereinbefore is contained, until the said scrutiny shall be determined, which he fully intends to proceed upon with all practicable dispatch. In witness whereof, he the said Thomas Corbett, bailiff of the said liberty, hath hereunto set his hand and seal, the seventeenth day of May, in the year of our Lord one thousand seven hundred and eighty-four. Thomas Corbett, bailiff.' And that the said bailiff, in refusing to execute the said indenture tendered to him, and to return the petitioner as one of the two citizens duly elected to serve in parliament for the said city, according to the usual course of proceeding in such cases, and in the common and established form of returns, and in making such special return as aforesaid, has conducted himself in a manner equally arbitrary, illegal, unconstitutional, and unprecedented, and which, if countenanced, would not only totally subvert the ancient forms of election of members to serve in parliament, but would defeat all the wise ends for which those forms were at first adopted, and have since hitherto invariably prevailed; and that the petitioner conceives and is advised that the said return is highly injurious to the petitioner, a palpable breach of duty in the said bailiff, an open violation of the act of parliament, a wilful disobedience to the writ, and a manifest disregard of the invariable law and usage of parliament, and, therefore complains to the House of the said return so made by the said bailiff to the sheriff of Middlesex, and by the said sheriff annexed to the said writ for Middlesex, returned by him to the clerk of the crown: and therefore praying the House to take the same into immediate consideration, and to order the said bailiff forthwith to execute the said indenture of return so tendered to him, and to make a proper and perfect return, to be annexed to the said writ for Middlesex, or to give the petitioner such further or other relief in the premises as to the House shall seem meet."

As soon as this petition was read, Lord Mulgrave desired to know upon what ground this petition was delivered, under a claim to be heard before a committee, appointed under the authority of Mr. Grenville's bill? As the best means of coming at this, his lordship moved, "That an act made in the 10th of his present majesty, entitled, 'An act to regulate the trials of controverted elections, or returns of members to serve in parliament,' might be read." Mr. Fox said, he considered himself as entitled to petition the House, and to have that petition referred to a committee, to be chosen according to the regulations of Mr. Grenville's bill, for which reason he had delivered the petition which had been just read; and he meant to move, if there was no objection stated to it, that the

said petition be sent to a committee to be ballotted for on Friday se'nnight. Lord Mulgrave said, he had moved to have the clause of the act read, which he took to be perfectly regular, and therefore desired it might be read, as he did not conceive the petition came within the act: and in that case he should make a motion, somewhat different from that proposed to be made by the right honourable gentleman.

The clause of the act being read, Lord Mulgrave entered into a discussion of the true intent and meaning of Mr. Grenville, when he originally proposed the bill, declaring, that he was in parliament, and took a considerable part in carrying the bill through against the powerful enemies it had to contend with at the time. He declared, the sole purview of the bill went to the seats of parties, that it ordered notice to be sent of the committee, &c. to the petitioners and sitting members, and could not be construed as having any relation to elections pending. In explanation, and by way of illustrating this assertion, he quoted Mr. Grenville's expressions at the time the bill was under consideration: from whence he declared, that all election matters and merits not specifically and obviously included within the purview of Mr. Grenville's bill, remained subject to the old common law, as it stood before the passing of the statute, and that consequently the petition upon the table could only be received and considered by the House as any other petition that was without the meaning of Mr. Grenville's bill. The petitioner might be heard by his counsel at the bar, in support of it, and to such a motion he should have no objection; but at present he should move, 'That the said petition does not come within the description of a petition complaining of an undue election or return of a 'member or members to serve in parliament, the proceedings upon 'which are regulated by two acts, made in the 10th and 11th years 'of his present majesty's reign, for regulating the trials of controverted elections, or returns of members to serve in parliament.' The master of the rolls (Sir Lloyd Kenyon) seconded the motion. He said, the act of Mr. Grenville, of which he thought highly, clearly regarded sitting members only, and provided for the trial of an election cause between parties. In the present case there were no parties, there had been no election, there was no return. It was impossible to say who was chosen, and there was but one petitioner. If he were to give his opinion upon the paper that had been delivered to the sheriff by the high bailiff, he should certainly not pronounce it a return of members, for it stated not who were, according to the judgment of the returning officer, duly elected: it was merely a return of another kind, a history of the proceedings at the Westminster poll; an account of the *res gestæ* there, by way of apology made by the high bailiff to the sheriff, as a justification of himself for not being able to make a complete return. The statute of the 12th of King William had been a good deal mentioned the preceding day; it was, he said, to him no new business; and he had his doubts, whether that statute had any reference whatever to the high bailiff. He was inclined to think it had not, because no such person as the high bailiff, or any other returning officer, other than the sheriff, was recognised in it.

That act ordered the sheriff to make his return to the writs, for the election of members to serve in parliament, to the clerk of the crown, and directed, that the sheriff should pay to the said clerk of the crown the ancient and lawful fees of four shillings, and no more, for every knight of the shire, and two shillings and no more for every citizen, burgess, or baron of the Cinque Ports, and should charge the same in his account. Upon this, the master of the rolls reasoned, to prove, that the sheriff alone was amenable to the statute, asking what account the high bailiff ever kept at the crown office, and what fees he ever paid there? He concluded with declaring that he was clearly of opinion, that the petition of the right honourable gentleman came not within the meaning of Mr. Grenville's bill.

Mr. Fox declared, that he would be free to confess, that in one point he was rather inclined to the opinion of the learned gentleman, and that was merely with respect to the return; but that although his petition was not within the letter of the bill of Mr. Grenville, he was persuaded it came within the spirit of it, and he hoped the House would have suffered it to go to a committee, though he saw pretty plainly that it was not their intention. He took notice of the master of the rolls having declared that it was no new business: he said, he verily believed it was not a new business to any of the learned gentlemen he saw opposite to him, for he was persuaded they had all been consulted in the contrivance and fabrication of the curious device that had been hit upon, which, though it was not to be deemed so far a return as to permit him to petition the House upon it, so as to obtain a hearing before a committee upon their oaths, it was nevertheless to be deemed a return sufficient to exculpate and save an atrocious delinquent from punishment. From this remark, Mr. Fox proceeded to state the peculiar difficulties that had been thrown in the way of his being returned for Westminster. He said every other candidate in the kingdom had been allowed to try his chance fairly; but it appeared to have been determined by administration, that let Mr. Fox have ever so great a majority, let him even have had all the votes of all the electors, that unfortunate candidate was to have been prevented from taking his seat for Westminster. Various had been the stratagems put in practice to defeat his election. At first the design seemed to have been, to poll any votes for his rival, no matter how bad; but that method was soon abandoned as too glaringly partial to be persisted in; then probably the idea of making a double return was paused upon; but as in that case a petition would have carried the matter before a committee of the House, under Mr. Grenville's bill, the right to the seat would have been decided sooner than it was wished to be, and therefore that plan was likewise abandoned. All along administration had used their whole weight

and influence against him, and aggravated the expence to the utmost, by way of harrassing the enemy as much as possible: last of all, the ingenious thought of drawing up for the high bailiff, such a paper as would preserve him from danger, though the unfortunate candidate could neither proceed upon it one way nor the other, so as to obtain that seat which he was fairly entitled to, was adopted and carried into practice.

Mr. Fox added other arguments to prove how far the persecution was carried; if he attempted to avail himself of one statute, to which, from the complexion of his case, it appeared to be applicable, he was immediately told, it had no reference to that act of parliament; if he looked to another with a hope that it would protect him, and obtain that for him which in reason and justice he had a right to claim, he was told, he was as wide of the mark as ever, and so on: he had no doubt he should find it *ad infinitum*. With regard to a scrutiny, should the House be of opinion that it ought to proceed, what hope could he entertain of getting his seat for years? In London the scrutiny had continued for ten days, and about twenty votes only had been gone through; in what time, then, was it likely that the poll for Westminster should be brought to a conclusion? He took notice that a learned friend of his, speaking of the partiality of the electors towards him, had carried the paradox rather too far, and declared, that the votes for him had been almost universal; he would not venture to say this; but though he had not a majority of votes, yet it might fairly be said, that when a candidate like him, a known object of the enmity and persecution of government, ventured to stand for Westminster, to obtain an equality of votes, he must have a majority of wishes. He observed, that the Latin word *votum* admitted of two translations, both of which applied to his case; for he might be said to have enjoyed the majority of the voices of his constituents, or he could not have been honoured with an equality of their votes. If, however, he had been chosen by the unanimous votes of all the Westminster electors, and Lord Hood and Sir Cecil Wray had chosen to demand a scrutiny, he was persuaded they might have kept him out of the House the whole session, perhaps the whole parliament. As the case stood, he was sincerely of opinion, that his petition ought, from its coming within the spirit of Mr. Grenville's bill, to go to a committee; there were parties, complete parties to try the cause between; Lord Hood and he were one party; Sir Cecil Wray and his electors another: Sir Cecil Wray ought to petition, and then they would be properly before the House. As to their being no sitting members — What sitting members were there in the case of a double return?

Mr. Fox argued upon the necessity for a new law to be made, in order to bring cases like his within the jurisdiction of Mr. Grenville's bill: at present, he said, those who affected to be most fond of that statute, took most pains to narrow its scope and confine its effects. This had that day been fully exemplified in the case of the Bedfordshire petition. He saw the utility of that bill more and more, and he wished to extend its jurisdiction to all possible cases of election. He remarked, that he had somewhere heard something of the kindness shewn him by the electors of Ross and Kirkwall, when his election for Westminster was, as it had been termed, in its most forlorn state. Upon that head, he could only say, that he was as much surprised, when he learnt that he was to be returned for Kirkwall, as any one gentleman in the House could be. The honour was altogether unexpected by him, nor did he hear of it, till two days before he was chosen; but though he had not looked there for a resource, yet it would have been the height of imprudence for him, if he meant to be in parliament, to have trusted solely to Westminster. Of that he was aware all along, and his opinion was now fully confirmed.

Mr. Fox, before he sat down, said, it was his duty to present the petition, and to get it referred to a committee under Mr. Grenville's bill, if he could; he owed it to his constituents, and he wished either to have a declaration from that House, that the high bailiff's paper was a return, or an order for him to make one. He was sure he was legally chosen, and that by a considerable majority, although it might be thought he was not. Possibly some hundreds who had voted for him would say, they voted for Sir Cecil Wray, and so he was persuaded would others who voted for Sir Cecil Wray say, they voted for him; but he knew the fact was not so; and that as to any real mistake, of that kind, if there were any, there could be but very few. The seat he claimed as his right; he was contending for the possession by virtue of that right, and he wished to have it fairly tried; if Sir Cecil Wray should appear to be legally chosen, let him take his seat; at any rate, Lord Hood ought to have his seat, and the electors for Wesminster be represented in some sort in parliament. Mr. Fox, in the course of his speech, asked the master of the rolls, if, when he, the preceding day, called out *audi alteram partem*, he translated the word *alteram*, as alluding only to one of the two parties? He also mentioned the learned gentleman's having given the public to understand by his vote for Westminster, that he lived in his stables.

The motion was agreed to; after which the petition was withdrawn.

June 8.

Mr. Welbore Ellis moved, "That it appearing to this House, that Thomas Corbett, esquire, bailiff of the liberty of the city of Westminster, having received a precept from the Sheriff of Middlesex, for electing two citizens to serve in parliament for the said city, and having taken and finally closed the poll on the 17th day of May, last, being the day next before the day of the return of the said writ, he be now directed forthwith to make return of his precept, and of members chosen in pursuance thereof." The motion gave rise to a most interesting debate, in the course of which,

Mr. Fox rose, and spoke in substance as follows:

Mr. Speaker; Before I enter upon the consideration of this question, I cannot help expressing my surprise, that those who sit over against me (the ministry) should have been hitherto silent in this debate. Common candour might have taught them to have urged whatever objections they have to urge against the motion of my honourable friend before this time; because in that case I should have had an opportunity of replying to their arguments; and sure it would have been fair to allow me the slight favour of being the last speaker upon such a subject. But, Sir, I have no reason to expect indulgence, nor do I know that I shall meet with bare justice in this House. Sir, I say, "that I have no reason to expect indulgence, nor do I know that I shall meet with bare justice in this House."

In consequence of a murmur from the other side, Mr. Fox paused, and said, — Mr. Speaker, there is a regular mode of checking any member in this House for using improper words in a debate, and it is to move, to have the improper words taken down by the clerk, for the purpose of censuring the person who had spoken them. If I have said any thing unfit for this House to hear, or for me to utter — if any gentleman is offended by any thing that fell from me, and has sense enough to point out, and spirit to correct that offence, he will adopt that parliamentary and gentleman-like mode of conduct; and that he may have an opportunity of doing so, I again repeat, "that I have no reason to expect indulgence, nor do I know that I shall meet with bare justice in this House."

Sir, I am warranted in the use of these words, by events and authorities that leave little to be doubted, and little to

be questioned. The treatment this business has received within these walls, the extraordinary proceedings which have sprung from it, the dispositions which have been manifested in particular classes of men, all concur to justify the terms I have adopted, and to establish the truth of what I have asserted.

If the declaration I have made, had happened not to have been supported by the occurrences I allude to, the very consideration of Mr. Grenville's bill is of itself sufficient to vindicate what I have said. That bill, Sir, originated in a belief that this House, in the aggregate, was an unfit tribunal to decide upon contested elections. It viewed this House, as every popular assembly should be viewed, as a mass of men capable of political dislike and personal aversion; capable of too much attachment and too much animosity; capable of being biassed by weak and by wicked motives; liable to be governed by ministerial influence, by caprice, and by corruption. Mr. Grenville's bill viewed this House as endowed with these capacities, and judging it therefore incapable of determining upon controverted elections with impartiality, with justice, and with equity, it deprived it of the means of mischief, and formed a judicature as complete and ample, perhaps, as human skill can constitute. That I am debarred the benefits of that celebrated bill, is clear beyond all doubt, and thrown entirely upon the mercy, or, if you please, upon the wisdom of this House. Unless, then, men are to suppose that human nature is totally altered within a few months — unless we can be so grossly credulous as to imagine that the present is purged of all the frailties of former parliaments — unless I am to surrender my understanding, and blind myself to the extraordinary conduct of this House, in this extraordinary business, for the last fortnight — I may say, and say with truth, "that I expect no indulgence, nor do I know that I shall meet with bare justice in this House."

There are in this House, Sir, many persons to whom I might, upon every principle of equity, fairness, and reason, object, as judges, to decide upon my cause, not merely from their acknowledged enmity to me, to my friends, and to my politics, but from their particular conduct upon this particular occasion. To a noble lord (Mulgrave) who spoke early in this debate, I might rightly object as a judge to try me; who, from the fulness of his prejudice to me, and predilection for my opponents, asserts things in direct defiance of the evidence which has been given at your bar. The noble lord repeats again, that "tricks" were used at my side in the election, although he very properly omits the epithet which preceded that term when he used it in a former debate;

but does it appear in evidence that any tricks were practised on my part? Not a word. Against him, therefore, who, in the teeth of the depositions on your table, is prompted, by his enmity towards me, to maintain what the evidence (the ground this House is supposed to go upon) absolutely denies, I might object with infinite propriety as a judge in this cause.

There is another judge, Sir, to whom I might object with greater reason, if possible, than to the last. A person evidently interested in increasing the numbers of my adversaries upon the poll, but who has relinquished his right as an elector of Westminster, that his voting may not disqualify him from being a judge upon the committee to decide this contest: a person too, Sir, who, in the late election, scrupled not to act as an agent, an avowed, and, indeed, an active agent to my opponents. [Lord Mahon took this to himself; but Mr. Fox went on thus:] Is there any interruption, Sir? I hope not. I am but stating a known fact; that a person who is to pronounce a judgment this night in this cause, avoided to exercise one of the most valuable franchises of a British citizen, only that he might be a nominee for my adversaries, concluding that his industry upon the committee would be of more advantage to their cause, than a solitary vote at the election. This, Sir, I conceive would be a sufficient objection to him as a judge to try me.

A third person there is, whom I might in reason challenge upon this occasion. A person of a sober demeanor, who, with great diligence and exertion in a very respectable and learned profession, has raised himself to considerable eminence (the master of the rolls); a person who fills one of the first seats of justice in this kingdom, and who has long discharged the functions of a judge in an inferior, but very honourable situation. This person, Sir, has, upon this day, professed and paraded much upon the impartiality with which he should discharge his conscience in his judicial capacity as a member of parliament in my cause. Yet this very person, insensible to the rank he maintains, or should maintain, in this country, abandoning the gravity of his character as a member of the senate, and losing sight of the sanctity of his station both in this House and out of it, even in the very act of delivering a judicial sentence, descends to minute and mean allusions to former politics — comes here stored with the intrigues of past times, and instead of the venerable language of a good judge and a great lawyer, attempts to entertain the House by quoting, or by misquoting, words supposed to have been spoken by me in the heat of former debates, and in the violence of contending parties, when my

noble friend and I opposed each other. This demure gentleman, Sir, this great lawyer, this judge of law and equity, and constitution, enlightens this subject, instructs and delights his hearers, by reviving this necessary intelligence, that when I had the honour of first sitting in this House for Midhurst, I was not full twenty-one years of age; and all this he does for the honourable purpose of sanctifying the high bailiff of Westminster in defrauding the electors of their representation in this House, and robbing me of the honour of asserting and confirming their right by sitting as their representative. Against him, therefore, Sir, and against men like him, I might justly object as a judge, or as judges to try my cause; and it is with perfect truth I once more repeat, "that I have no reason to expect indulgence, nor do I know that I shall meet with bare justice in this House."

Sir, I understand that the learned gentleman I have just alluded to (I was not in the House during the first part of his speech), has insinuated that I have no right to be present during this discussion, and that hearing me is an indulgence. Against the principle of that assertion, Sir, and against every syllable of it, I beg leave, in the most express terms, directly to protest. I maintain that I not only have a right to speak, but a positive and clear right to vote upon this occasion; and I assure the House, that nothing but the declaration I have made in the first stage of this business should prevent me from doing so. As to myself, if I were the only person to be aggrieved by this proceeding, if the mischief of it extended not beyond me, I should rest thoroughly and completely satisfied with the great and brilliant display of knowledge and abilities which have been exhibited by the learned gentleman, who appeared for me and for my constituents at your bar. If I alone were interested in the decision of this matter, their exertions, combined with the acute and ingenious treatment this question has received from many gentlemen on this side of the House, whose arguments are as learned as they are evidently unanswerable, would have contented me. But a sense of duty, superior to all personal advantage, calls on me to exert myself at this time. Whatever can best encourage and animate to diligence and to energy, whatever is most powerful and influencing upon a mind not callous to every sentiment of gratitude and honour, demand at this moment the exercise of every function and faculty that I am master of. This, Sir, is not my cause alone; it is the cause of the English constitution, the cause of the electors of this kingdom, and it is in particular the especial cause of the most independent, the most spirited, the most kind and generous body of men that ever concurred upon a subject of public policy: it is the cause

of the electors of Westminster: the cause of those who, upon many trials, have supported me against hosts of enemies; of those who, upon a recent occasion, when every art of malice, of calumny, and corruption — every engine of an illiberal and shameless system of government — when the most gross and monstrous fallacy that ever duped and deceived a credulous country, have been propagated and worked with all imaginable subtilty and diligence, for the purpose of rendering me unpopular throughout the empire — have with a steadiness, with a sagacity, with a judgment, becoming men of sense and spirit, defeated all the miserable malice of my enemies, vindicated themselves from the charge of caprice, changeableness, and fluctuation, and, with a generosity that binds me to them in every tie of affection, supported me through the late contest, and accomplished a victory against all the arts and powers of the basest system of oppression that ever destined the overthrow of any individual.

If, by speaking in this House (where many perhaps may think I speak too much), I have acquired any reputation; if I have any talents, and that attention to public business has matured or improved those talents into any capability of solid service, the present subject and the present moment, beyond any other period of my life, challenge and call them into action; when added to the importance of this question upon the English constitution, combined with the immediate interest I feel personally in the fate of it, I am impelled by the nobler and more forcible incitement of being engaged in the cause of those to whom the devotion of all I have of diligence or ability would be but a slight recompence for their zeal, constancy, firm attachment, and unshaken friendship to me upon all occasions, and under all circumstances.

There are two leading points of view in which this question should be considered: the first is, whether the high bailiff of Westminster has had sufficient evidence to warrant his granting a scrutiny, supposing that he possessed a legal discretion to grant it: the second, whether any returning officer can by law grant a scrutiny, even upon the completest evidence of its necessity; which scrutiny cannot commence till after the day on which the writ is returnable.

It is of little consequence in which order the question is taken up; but first I shall proceed upon evidence.

The great defence of the high bailiff is built upon the circumstance of Sir Cecil Wray and his agents having furnished him with regular lists of bad votes on my part; and to prove that these lists were delivered, they have brought a witness who knows not a syllable of the truth of the contents of the lists. The witness who drew the affidavits, which

affirm those bad votes to have polled for me, upon cross examination appears equally ignorant of the truth of the affidavits, and therefore the burden of the proof rested upon the evidence of Affleck, whose testimony nevertheless, after four hours' examination, is expunged from your books as inadmissible. Expunged however though it is, I wish the House to recollect the answers he gave concerning the descriptions of the bad voters which are imputed to me, and to the stated number of them. The number is said to be 143; and the House will recollect, that although I repeatedly pressed the witness to name some of them, he could not even name one. I questioned Affleck particularly, whether the 143 were persons who did not exist where they pretended to reside: his answer was, that some did reside in the streets as mentioned in the poll books, and that others could not be found at all. Those who could not be found at all, if any such there were, might fairly be deemed bad votes; but the other class of voters involved a question of law; and I submit to the House, whether if the evidence of this man, instead of being rejected as incompetent, had actually been admitted, the whole tenour of it, instead of exculpating, would not, in the strongest sense, tend to criminate the high bailiff. Had he known his duty, or was disposed to discharge it, this he would have said to such a reporter: — 'You may be, 'and most likely are, interested in deceiving me; after much 'argument and discussion, I, as the sole judge in this court, 'have admitted these to be legal votes, which you (of whom 'I know nothing) affirm to be only lodgers or non-residents; 'my situation is too solemn to be affected by such informa'tion, and therefore I dismiss it as unfit for me to proceed 'upon.'

This should have been the high bailiff's conduct; but his conduct is the exact reverse of it. He receives this species of information, and from these sorts of men; and not only this, but accepts affidavits imputing bribery to some persons who canvassed for me, acknowledging at the same moment that he had no cognizance of bribery, and never once inquires into the truth of the charge, nor whether any credit is due to the deposer, nor even who the deposer is. All this the high bailiff does in concert with my adversaries, secretly, collusively, without even once giving me, or any one of my agents, the very slightest idea that any such intercourse had subsisted between him (the judge of this court) and one of the parties, litigating that upon which he was to exercise his judicial function.

To have received such information with the least attention, was in itself criminal enough, but studiously, cau-

tiously, and deliberately to have concealed it from me, was base and wicked in the extreme. Had I been apprised of these machinations, I might have established the falsehood of every accusation; and surely, if justice had been the object of the high bailiff, he would not rest one moment until he communicated to me the burden of these informations and affidavits, especially if he meant to overturn the whole tide of precedents, and to innovate upon the practice of all the returning officers that ever lived in this kingdom, in granting a scrutiny to commence after the return of the writ. If truth was his aim, the obvious mode of ascertaining it was to have given the other party an opportunity of knowing the charges brought against them, to let them have the chance of contradicting their accusers; and if we failed in falsifying these informations, the high bailiff would have had this presumption in his favour, that it was only because we could not. But, Sir, not this, nor any thing like it, did the high bailiff of Westminster. So far from acting like an impartial judge, he appears to have been the agent, or rather, the mere tool of my opponents: and every syllable of these informations upon which he acted, might have been, for aught he knew, the vilest mass of falsehood and perjury that ever thwarted the course of justice. I say then, Sir, if the high bailiff absolutely possessed a legal discretion in granting a scrutiny, to have granted it upon this sort of evidence, and under these circumstances, was, to say no worse of it, an act that cannot be justified upon any obvious principle of law, reason, common sense, or common equity.

But what will the candid part of the House think of this high bailiff, when they consider that the grounds of his vindication at your bar differ as much as light and darkness from his vindication in the vestry in Covent Garden, upon granting the scrutiny? And here, Sir, I have to lament that the paper which he read to this House, as his defence, which the gentlemen opposite to me (the ministry), for reasons as honourable perhaps to themselves as to the high bailiff, so strenuously opposed being laid on the table, is now impossible to be produced: that paper, Sir, would have enabled me, from his own words, to have proved to you that the principle he avowed at your bar, as the rule that governed him in this business, is exactly and directly the very reverse of the principle he pretended to act upon at the time of granting the scrutiny. Fortunately, however, this fact is established in clear, unquestioned evidence before you. Mr. O'Bryen's testimony is complete and decisive as to that point: his words were, 'that the high bailiff in the vestry, upon granting the scrutiny, disclaimed the informations delivered to

'him by Sir Cecil Wray and his agents; that he replied 'with peevishness and some displeasure to Sir Cecil for having mentioned them; that he declared he believed he had 'never read them; certainly never, with any attention; that 'he threw them aside unnoticed; that they had not the least 'operation upon his judgment; and that they did not, in the 'very slightest sense, influence his determination in granting 'the scrutiny.' These were his words. Atkinson, upon cross examination, was obliged to acknowledge this; and Grojan's want of memory upon it goes, of itself, a great way to establish the truth, if it required farther corroboration.

Now let the House and the world judge of this high bailiff, who, upon granting the scrutiny, affects to be insulted at the supposition of his acting upon this *ex parte* information, and yet rests all his defence at the bar of this House, upon that very *ex parte* information which, but a fortnight before, he disclaimed and despised.

Without adverting to his shameful and scandalous conduct (which, if he had one spark of feeling, would make him blush to shew his face, much less to avow the act) in holding this fraudulent intercourse with my enemies; cautiously concealing that any such intercourse subsisted between them; treacherously betraying the cause of justice, which his situation bound him to support inviolate; and basely lending himself to one party, for the ruin of another;—can any thing better shew his iniquity, than varying the grounds of his defence according to the variation of scene, and the pressure of exigency? This continual shifting demonstrates that he has no honest defence to make;—put the most favourable construction possible upon his conduct, and the best of the alternatives marks him a hypocrite at the least. If he has spoken truth in the vestry, he is an arrant liar before this House; or, if he vindicates himself before you upon pure principles, he has grossly and wickedly deceived me and all who heard the contempt he expressed in the vestry for that information, upon which he has expatiated at the bar of this House with such extraordinary reverence.

So much for the consistency of the high bailiff respecting his alledged motives in granting a scrutiny.

It is said on the other side of the House, that the poll was not a scrutiny, and said in express contradiction to the evidence produced at your bar. Never was a poll a scrutiny, unless the poll in question was such. It is established by respectable testimony at your bar, that the poll was an absolute scrutiny. It is proved that the parish books were constantly at the hustings, and each voter's name, profession, and description, collated with the books. It is proved, that when

the names of voters could not always be found in the parish books (which was often the case, and yet the votes perfectly legal), a gentleman in the interest of each side frequently went to the very street in which the voter said he lived; that the vote was suspended until that inquiry was made, and that the decision was always governed by the report of the inquirers in such case. Was this, or was it not, a scrutiny?—But it is said, that the poll was crammed at one time, and hence an inference is drawn, that the poll was not a scrutiny. This is strange reasoning, surely; to support this inference, it should be proved that votes were excepted to, and yet admitted in the hurry without examination or inquiry. Does this appear to be the case? Nothing like it.—With all Mr. Grojan's disposition to shelter the high bailiff, with all his power of memory at one time, and his want of it another, does he assert any such thing? No, Sir, he could not with truth; and even he could not venture upon this without truth. Did you ever hear, or did such a thing ever happen, as that a returning officer, of his own accord, should reject any votes not excepted to by the contending parties? Certainly not.—Those votes therefore, in whose legality the candidates themselves agreed, must be justly presumed by the high bailiff to be unexceptionable; and from hence to suppose that the poll was no scrutiny, is weak in the extreme. In the early part of the election it was the natural wish of each candidate to get upon the head of the poll. Each brought up as many friends as possible, and this accounts for what they call cramming the poll. Respecting the high bailiff's difficulty in forming an opinion as to which of the two had the greater number of legal votes, had I been lowest upon the poll at the close of the election, there might have been some little colour for his affectation of scrutiny. Why? Because upon the days when the poll was most crammed, when the greatest numbers polled, and when there was least inquiry and least examination into their legality, Sir Cecil Wray had a very great majority over me. I began to gain upon my adversary, not when thousands polled of a day, but when only a few hundreds, and less than a hundred polled on each day—at a time when there was sufficient leisure to scrutinize the votes, and when the most acute, the most jealous and sharp inquiry took place, as to the qualification of each voter, that was, perhaps, ever practised in any court of hustings.

With a view to exculpate this high bailiff, his deputy, Mr. Grojan, related an incident which I shall notice, and the exultation of the opposite side of the House, at the time of that relation, renders that notice the more necessary. It was this—he asked a man which way the street lay in which he

lived, and the man said it was that way, pointing his hand towards Drury Lane. "I immediately suspected him, and "afterwards rejected him," says Mr. Grojan. Now, Sir, this story happens to be strictly true, and true to the confusion of those who relate it for the vindication of the high bailiff. Were my election to depend upon the merits of a single vote, I do not know that I should prefer any other inhabitant of this great city before that very man then rejected by Mr. Grojan; for in all Westminster there is not a better qualified, a more undoubted legal voter, than that identical person. And what is the fact, Sir? That this honest, ignorant man came to poll with liquor in his head, and (embarrassed by the scene, by the shouting, and by the manner perhaps of the question) made that absurd reply. These events, Sir, were not unfrequent at that hustings; and when one considers the facility of puzzling such men in all places, when one considers that Mr. Grojan is not, of all men living, the most embarrassed in the exercise of his duty, nor exactly the most anxious for the comments of by-standers upon his conduct, there is little wonder that honest, uninformed men, surrounded by thousands, with half a dozen inspectors plaguing them with different questions at the same moment, in the midst of noise and huzzaing, in that state of hilarity, perhaps, which is too frequent at general elections, should sometimes give a foolish, unconnected answer to such interrogatories as generally come from Mr. Grojan.

I understand that a learned gentleman has said, that he would have closed the poll long before the high bailiff proclaimed his intention of doing so. I do not mean to argue the legality of that position with the learned gentleman; that the fact was exactly otherwise, is all that is necessary for me to maintain. It is in evidence before you, that he did not close it until the 17th of May, and then closed it, not from deficiency of voters, but for the express purpose of enabling himself to make his return by the 18th, the day on which the writ was returnable. The first, and the only notice I had of his intention to close the poll, was on the Thursday preceding; and I do confess, and have always declared, that my object was to continue the poll during the three intermediate days, that the high bailiff may be obliged to assign this as his reason, since the act of closing the poll was his own act. In this I hold myself perfectly justifiable: — during these three days I confess it was my wish to protract the poll; but I solemnly deny that it was ever prolonged by me a single hour more; and also deny, that up to the 13th of May, I had any proposal or any offer that I could notice, for closing it.

Attempts have been made to prove, and that is the last

head of evidence I shall touch upon, that insinuations came from us at a certain period of the poll, of demanding a scrutiny. That some of my friends might have expressed that intention, is very probable; but give me leave to say, Sir, that if I had myself formally demanded it, there is no rule of law that warrants a conclusion against me, on account of my own conduct as a party. A thousand motives there may be to justify me in demanding of the high bailiff, that which it would be perfectly right in him to refuse. If in any case of litigation a judge should grant to one of the parties whatever he wished, how could he ever come to a just decision? or who would ever be defeated, whatever may be the badness of his cause?

But, Sir, has it been offered to you in proof, or is there a man that can say, I ever did for one moment entertain the idea, much less express it, that a scrutiny could go on after the day on which the writ was returnable. Sir, I do assure you, so absurd, so preposterous, so pernicious a thought, never once possessed me. I had occasion very maturely to consider this subject at the first Westminster election. Lord Lincoln demanded a scrutiny, which the high bailiff granted, and which the noble lord afterwards relinquished. I remember to have investigated the matter then. I consulted the greatest dead and living authorities, the best books, and the most learned men in my circle; and the result was, that the granting a scrutiny before the return of the writ was legal, but no book, no lawyer, no man, before this time, ever, to my knowledge, maintained that a scrutiny could be continued, much less begun, after the day on which the writ was returnable.

Then, say my enemies, why did you expect the high bailiff to grant you a scrutiny, which you must know could not be finished before the 18th of May? And at that I see the gentlemen on the opposite bench (the ministry) exult a little. But, Sir, it is a weak and childish exultation. Do they think, or, if they deceive themselves, can they believe the public will think, that I could have been so gross an ideot as to suppose a scrutiny of this election could be over before the 18th, with the instance of Vandeput and Trentham staring me in the face, where an unfinished scrutiny lasted above five months? Can they imagine I could hope a scrutiny in this case, where upwards of three thousand voters polled more than at the contested election of Vandeput and Trentham, could by any possible means be over before the 18th? Surely not. A tolerable knowledge of Mr. Thomas Corbett, the high bailiff of Westminster, gave me no extravagant hopes of success in any scrutiny where he was to be the sole judge; and

therefore all I ever meant was, that an inquiry might take place previous to the 18th; which inquiry might enable us to form the train and order of the necessary evidence, that we might the better know how to discover the different species of bad votes, and class, under their various heads, those which were doubtful — those which were suspected — and those which were positively illegal; and so far to methodise, arrange, and simplify the business, before the return, that we might go on in the committee, under Grenville's bill, with the greater facility and expedition, and with less expence; and this would have been a material point of preparation for us.

This, Sir, was all I ever meant by a scrutiny before Mr. Corbett, and all that any man of common fairness and liberality can suppose I meant.

A noble lord over against me (Lord Mulgrave), in his zeal to exculpate the high bailiff, charges me with having intimidated him, and charges it upon the evidence of Mr. Grojan. That noble lord, disdaining all regard to consistency, whenever he thinks he can impute a fault to us, at the same moment that he asserts the high bailiff was intimidated, pronounces a flashy panegyric upon the firmness and intrepidity of the very man he affirms to be thus terrified. But, Sir, the high bailiff was threatened — and how? Was it by threats of assaulting him? No. — Was it by holding up the fear of danger to him, by mobs or riots? No. — Was it by a menace of taking away his books, breaking the peace of the hustings, and interrupting him in the discharge of his duty? No, no; but it was by warning him of the consequences of unjust partialities, false or corrupt decisions; it was by threatening him with legal punishment, if he did not make the law of the land the rule of his conduct. Grojan tells you, that he believes these threats sometimes induced the high bailiff to make decisions in my favour, contrary to his judgment. Yet this is the man, whose firmness and intrepidity the noble lord commends so much, and whom the Government of this country is straining every nerve to bear harmless through this unprecedented business. An officer, whose deputy, as a palliation of greater guilt, defends him, by saying that he committed a palpable breach of his duty, and only because he is threatened with legal punishment, if he acts against law! Sir, for my own part, I believe, there is as much sincerity in the noble lord's panegyric, as there is veracity in the deputy bailiff's inference from these threats: all I wish, however, is, that you would properly notice this species of intimidation. It is an intimidation, Sir, the influence of which, I hope, will reach every man, every magistrate in this country, however splendid his station, however lifted up above his fellow-creatures in office or dignity — To keep

before his eyes the danger of a vicious, or a wanton breach of the law of the land. Would to God this House were in a capacity to become an object of those consequences, which the verdict of a jury would determine to follow a violation of the laws! With what content, with what confidence, should I submit my cause to such a tribunal!

Having now, Mr. Speaker, gone through the various depositions that have been made before you; having from the evidence shewn, that the alledged grounds of the high bailiff's first granting this scrutiny, were the direct reverse of those he declares to this House to have been his motives; having shewn that he was in habits of clandestine intercourse with my opponents — having shewn that he was in the constant course of receiving *ex parte* information in an illicit and shameful secrecy — having shewn that he positively and solemnly denied this series of iniquitous proceeding in the vestry, which he boldly avows at your bar — having shewn that the poll was as much a scrutiny as any poll can possibly be — having explained my views in the event of my demanding a scrutiny — having described the species of intimidation used to this man, and confirmed, that so far from exculpating, it tends deeply to criminate him — having shewn this, Sir, and shewn it by the evidence which you have heard at your bar, I shall conclude this part of my subject, with submitting to every man of honour and candour who hears me, whether he really thinks that the high bailiff of Westminster exercised a sound and honest discretion in granting a scrutiny, supposing, for argument sake, that he actually possessed a legal power to grant it.

The remainder of what I have to say, shall be directed to prove that he had no such power, and to lay before you the fatal effects of such a precedent, as the loss of this question will afford.

I am not a professional man, and cannot be supposed to speak with the information of professional gentlemen upon a legal subject; there are, however, general and fixed principles of common sense, which serve to guide an unlearned man upon a subject of this kind. Four different ways occur to me, by which, in a case of doubt, the law may be discovered and ascertained; first of all, I should look into the statute book upon the table; if upon searching there I find an act of parliament upon the point in dispute, doubt and conjecture cease at once, and all is clear and certain; but if there should be found no act to regulate the case in question, I should then in the second place have recourse to practice and precedent, and inquire what has been done in similar cases on similar occasions; in other words, I should try what is the

common law. If I find practice and precedent direct me, then every thing is plain and easy; but if no statute and no precedent should be found, by which I could steer in this ambiguity, my next obvious resort would be to legal analogies, to cases, which, though not precisely the same in all points, are yet perfectly similar in principle. If in this department of research I find any thing to direct me, there too, all will be smooth, intelligible, and certain: but if I find no positive statute, nor precedent, nor practice at common law, and no legal analogy, whereby I might discover the fact, there is then much difficulty indeed, but not an insurmountable one: still I should make an effort, and my last and fourth resort should be to the experience and understanding of mankind — to those arguments which common sense suggests — to fair conclusions deducible from fair reasoning, founded upon the immutable principles of policy and expediency.

Now, Sir, if some of these various modes of defining the law should happen to favour me upon the present subject, and that others should unfortunately militate against me, still I may be right in my position, but not with that fullness of conviction, that clearness of certainty that I might wish. The case, however, is so entirely otherwise, that I do venture to affirm, and engage to prove to the satisfaction of every man capable of being satisfied, that not only nothing in any of these different ways of attaining the fact, does operate in the slightest degree against me, but that all and each concur in supporting me, and demonstrating the illegality and violence of my enemies in the present business. I do therefore assert, that the high bailiff of Westminster, in granting this scrutiny, has violated the law of the land, by the combined force and testimony of these four tests: by the statutes — by the common law — by the analogies of law — by policy and expediency. — First as to the statutes:

The act of the 10th and 11th of William III. was made for the avowed purpose of checking the bad conduct of returning officers. The preamble of the bill, and every clause in it, proves this to have been the object of enacting it. As the part of it which relates to returns is merely directory, it is gross and absurd to construe it in any other manner than that which makes it answer the evident purpose for which it is enacted. It requires that the writs for any future parliament shall be returned on or before the day that parliament is called to meet — that the return shall be made to the clerk of the crown, which clerk of the crown is authorised to receive four shillings for every knight, and two shillings for

every burgess. It imposes a penalty upon the sheriff, if he does not make his return on or before this day.

Now observe the construction given by the opposite side of the House to this plain intelligible statute. It is true, say they, this act is binding upon a sheriff, but not at all upon a mayor or bailiff. Why? Because a mayor or bailiff are not mentioned. True, they are not mentioned, and probably the action I spoke of some time ago, might not lie against the high bailiff; not that he has not openly transgressed the spirit of the law, but because the penal part of every statute is to be construed according to the strict letter of the act; but I submit to the House, whether they ever heard so low, so vile, so dirty a quibble — whether they ever heard so base a perversion of common sense, as to suppose the legislature of this country, to have been such a set of ideots, such a herd of miserable beings, as that in an act, made for the avowed and declared purpose of correcting and punishing the misconduct of returning officers, they should have provided against the partialities, corruption, and roguery of sheriffs, and have left the nation at the mere mercy of mayors and bailiffs without restraint, redress, or punishment. This is the construction put upon this act by his majesty's ministers, the patrons of this high bailiff, although they see those express words in the body of the act — "That the clerk of the crown shall receive at the time of these returns (which returns must be made on or before the day of the meeting of such new parliament) four shillings for every knight, and two shillings for every burgess." Why mention the burgess, if that act is not meant to compel the return of the writ, under which he is chosen? Was there ever such an outrage upon common sense, as to maintain, although they see the fee stated for the burgess to pay; though they see the return required proceeding from the sheriff's precept to the mayor or bailiff; that the mayor or bailiff is not obliged to make a return within the time prescribed by the same act, that is, on or before the day that the new parliament shall be called to meet?

But there is another point which defines the meaning of the legislature to a certainty, and it is the exception in favour of new writs upon vacancies. In that case, there is an obligation that the return be made within fourteen days after the election upon that vacancy. Is it consistent with reason, or rather is it not making downright nonsense of this act, to suppose that it should compel a return within a certain time in cases of vacancy; but that upon a general election, all should lay at the mere will and pleasure of the returning officers? Will the gentlemen urge the same contemptible

reasoning here, and assert that the compulsion in this case only respects the returns of knights of the shire? What! that an act should be made to prevent the collusion and knavery of returning officers, yet that it extends only to the preclusion of frauds in returning about one hundred, because they are knights of the shire, and leaves the remaining four hundred at the discretion of every mayor or bailiff? Sheriffs are in general of a much superior rank and character to the other returning officers, yet the wittal caution the honourable interpreters of this act impute to the English legislature is, that they guarded against abuses from that class of returning officers, whose fortune and sphere of life presumed most for their integrity; and made no provision whatever for the possible misconduct of that very description of returning officers, whose situation gave the least pledge or security for honest and uncorrupt conduct.

If I am not mistaken, this species of reasoning carries with it its own refutation.

A noble lord over against me (Lord Mulgrave) has advanced a singular kind of argument indeed, touching the intention of this act of King William. He has read to you from the journals an instruction to the committee appointed to bring it in, which instruction suggests to them the introduction of a clause to secure the returns for cities and boroughs within the specified time, and in a style of inference peculiar to himself, he concludes, that as the express words do not appear in the statute, the legislature never meant to include the returning officers of cities and boroughs.

Now I will take upon me to say, that every other man in this country, (that noble lord and those who concur with him in opposition to my honourable friend's motion excepted) capable of understanding the sense of an act of parliament, will draw the direct reverse of his conclusion from the non-insertion of that clause. The sole view of this statute was to correct the abuses of returning officers. The instruction from the House to the committee proves, that the disease extended to mayors and bailiffs. The omission of that clause therefore clearly demonstrates, that the framers of the act thought the suggestion fully comprehended in the act as it stands, and that it would be mere tautology and needless repetition to be more explicit. What a miserable legislature must that be, which in the act of applying a remedy to an acknowledged evil, creates ten times a greater than that which it endeavours to cure. Those who made this law, were, in my opinion, good politicians, but they were evidently not good prophets—for they did not foresee that an hour would come, when men should rise up

and put such a construction upon their labours, as marked them the most despicable set of drivellers that ever insulted society under the appellation of law-makers. In a word, Sir, I contend that the statute of King William is decisively and compleatly with us.

The 23d of Henry the VI. is likewise with us, and does afford me a legal remedy against the high bailiff, of which I shall most certainly avail myself. That act authorises the sheriff to issue his precepts to the returning officers of cities and boroughs. It requires that they shall make a return to the sheriff, and gives the person chosen, and not returned, an action, which must be brought within three months after the meeting of parliament. From this it is evident, that the return of the writ, and of the precept proceeding from the writ, must be at one and the same time, viz. by the meeting of the parliament. For otherwise, observe what rank nonsense this statute would be. This misconduct of returning officers made it necessary to give a power of legal punishment to the party chosen and not returned. That power is here given; but if we can suppose that the act does not compel the return to be positively made by the meeting of parliament, the penalty is all a farce: for who will make a return that will subject him to a civil action, if it be in his power to avoid it? Whether the return be true or false, therefore, it is as clear as day-light, that some return must be made by the meeting of parliament. For it is insulting common sense, to say that the man who incurs a legal penalty, shall have a legal power of evading it. That is to say, that a returning officer may, of his own authority, prolong his return until the three months pass away, within which time alone the action can commence for the punishment of this gross abuse.

I have therefore, Sir, no difficulty in saying, and I am confident every fair man agrees in the truth of it, that these two acts, in their letter, as well as their spirit, demonstrate, that the high bailiff of Westminster, in granting this scrutiny, has positively broken the statute of the land.

The second point to which I shall advert in the arrangement of this argument is the point of practice, or what the common law is upon this occasion; and the best way to shew that the high bailiff of Westminster's return is against both the one and the other, is to observe this fact—that in all the records of parliament—in all the annals of election, and in the history of this country, a single precedent cannot be found to justify this extraordinary return. The main and evident drift of it was to deprive me of the benefit of Mr. Grenville's bill; and to accomplish this end, do but observe how many obvious

modes of return he passed by. Had the bailiff done his duty, and returned Lord Hood and me, Sir Cecil Wray would not have been injured, for he would instantly petition, and the merits of the election would be tried by a committee upon their oaths. Had the bailiff, doubting, as he pretends, the legality of my majority, returned, as he undoubtedly might have done, Lord Hood and Sir Cecil Wray, then I should have petitioned, and one of Mr. Grenville's committees would have redressed me. Had he returned Lord Hood alone, still it was cognizable by Grenville's bill. A petition against an undue return would have been presented, and this House infallibly prevented all interference in the matter, except in appointing the committee. Or if he had returned the three candidates, the double return entitled it to a priority of hearing (upon that great and fundamental maxim, that the first object was to have the House complete), and a committee under Grenville's bill would instantly have tried the merits of the return, and rescued the case from the prejudices and party influence of the House of Commons. At all events, my sitting here for Kirkwall rendered an immediate discussion and decision upon the business indispensable, as petitions complaining of pluralities of election are always heard in order, next to double returns: thus you see with what dexterity this has been managed.

This curious return had two views; first, to exclude me from sitting for Westminster; secondly, to deprive me of the advantage of Mr. Grenville's bill. And, Sir, does any man think this return was the fabrication of Mr. Thomas Corbett? The party spirit and personal rancour, so visible in his defence before this House, confirm that he has all the disposition, if not all the ability, in the world to do me every mischief; yet I cannot be persuaded, when I consider who they are that take the lead in his vindication before this House, and when I observe how very familar they appear to be with this historical return, (as my noble friend has well called it,) that so peculiar, so ingenious, and so original a fragment as this, could ever have been his sole production. In a word, Sir, this cursed historical return, this return unmatched, and unprecedented in the history of parliament, is the only species of return that could have robbed me and the independent electors of Westminster of a fair hearing before that admirable judicature instituted by Mr. Grenville's bill.

A learned gentleman who appears at your bar for the high bailiff, admits that no instance of this kind ever happened before; and to induce the House to support his client, he says, it will never happen again. How he comes to know that a line of conduct so convenient to a minister, so well suited to those who have the power to oppress, and a disposition to

exert every power against those they dislike, the learned gentleman himself best knows; but surely, after such an admission, to pray the sanction of this House for an act allowedly unprecedented, is somewhat singular. The learned gentleman's prophecy is surprising, it is true; but the argument drawn from that prophecy is still more surprising. Grant the scrutiny, says he, in this case; but you certainly never will do the like again. Perpetrate the most gross and glaring injustice deliberately, for you will never commit a similar outrage hereafter. A good understanding, however, seems to prevail between those within and those outside of the bar; and the intimation of a learned gentleman over against me, of an intention to bring in a bill to regulate this matter in future, does, in a great measure, account for the prediction of the high bailiff's counsel, that this iniquitous precedent will be no example for future imitation. Now, Sir, I take the first opportunity of declaring, that a bill declaring the law, after a decision directly contrary to law, shall be opposed by me with all the faculties and force I am master of. This is no new principle with me. I have ever set myself against the affectation of applying a remedy upon erroneous decisions subversive of law in supreme courts of judicature. In the case of the determination concerning general bonds of resignation of church-livings in the House of Lords last year, a bill past there, and was sent afterwards to this House, the purport of which was, to declare the law in that case, after a determination, which reversed the uniform current of decisions in Westminster Hall for a series of ages.* Such a bill would have been most fatal in its example, because it would have taken away the only check, restraint, and control, upon courts of dernier appeal. It would take away the general public inconvenience arising from the false determinations of superior courts. I opposed that bill, Sir, and opposed it with success, for this House rejected it. I shall oppose the bill suggested by the learned gentleman upon the same principle, and every other bill of the same tendency. For sure there cannot be a more barefaced violence of decency and justice—a grosser mockery of the common sense of mankind, than to authorize a scrutiny, in direct opposition to the whole tide of precedents, and exactly subversive of positive law; because you intend to bring in a bill to prevent the repetition, in future time, of so scandalous and shocking a proceeding.

An incident occurs to me, which will be proper to mention. Much discussion formerly took place upon this subject of regulating scrutinies, and especially at the time of the Oxfordshire election; (concerning which election I shall presently trouble the House with a few observations.) Great pains and

* Case of Ffytche and the Bishop of London.

labour were employed then, with a view to frame an act of parliament upon the subject; and a great man, whose name I mention only in the purest respect and reverence for his character, (Lord Mansfield,) took an active part, and gave the whole attention of his extensive and shining talents to the business. Yet, after the most deliberate and mature consideration of the subject, even he abandoned it, in a despair of being able to accomplish any system of management, from which many evils and various disadvantages, impossible to be remedied, might not flow. All attempts to regulate scrutinies by act of parliament were then consequently given up. The learned gentleman (Mr. Hardinge) will excuse me, if I cannot easily believe that he will effect that, which Lord Mansfield relinquished as impracticable; and even this consideration would be an additional motive with me in not hastily assenting to a bill, of the complexion suggested by him to the House upon the present subject.

I have said, that this business had no precedent in the annals of parliament. The gentlemen on the other side (the ministry) do not attempt, because they dare not, to shew that this high bailiff is justified by any. The only cases they venture to touch upon are, the cases of Oxford and Westminster; and yet these two cases are fundamentally and altogether against them. Could they cite any instances more apposite, undoubtedly they would never have alluded to those, which, under a hope of giving some colour to the matter in question, do absolutely, positively, and substantially make against them. If out of the mass of precedents I were to choose one, to prove the grossness of this proceeding, I think it would be the very case of Oxfordshire. The candidates who, at that election, were lowest on the poll, demanded a scrutiny, and the sheriff granted it. Every one knows that the sheriff carried his partialities for the losing candidates, who demanded the scrutiny, to the greatest lengths; yet, partial as he was, and although his friends were diminishing their opponent's majority daily by the scrutiny, he gave them notice that his duty bound him to stop the scrutiny, for the purpose of making his return on the day the writ was returnable: he accordingly stopped it, and made his return. If this sheriff, interested as he was for those who were gaining by the scrutiny, conceived it possible for him to be sanctioned by any law or precedent in making a special return, and going on with the scrutiny, would he not have done so? Undoubtedly he would; and the kind of return he made, proves that he would, if he thought he might. Unwilling that those who were obnoxious to him should sit in the House, he returns all the four candidates; and this he does as the last and greatest act of friendship he could

confer on his friends, previous to the extinction of his authority, viz. the return of the writ. I do not say that in making this double return the sheriff did right: but right or wrong, it proves this—that all the service he could render his friends he did. Does any one doubt that the two candidates, thus aided by the sheriff, and in the act of growing daily upon their adversaries by the scrutiny, would not prefer the partial, the kind and favouring tribunal of their determined friend the sheriff, to the House of Commons, had they supposed that any thing could justify him in continuing the scrutiny after the meeting of parliament?—But so frightful an idea was never cherished; and they held themselves bound for ever in gratitude to the sheriff for having included them in his return. An honourable gentleman, whom I see in his place, but who I believe neither sees nor hears me at this moment (Mr. Jenkinson), knows full well that all I am stating relative to the Oxfordshire election is strictly true. He cannot easily have forgotten the part he took in that memorable transaction. He engaged eagerly in the contest, and embarked in that interest, which I should certainly have embraced, had I been of an age to form an opinion, and to act upon it. That honourable gentleman can attest the veracity of this recital; but it were vain flattery, I fear, to hope that he will rise up to-night and vindicate, by his voice and his vote, the principles of the cause he then supported, and which gained his friends the election.

He must remember that a long discussion took place in this House, touching the right of a certain class of copyhold tenants, who voted for those who had the majority upon the poll; and that the disqualification of this description of voters seated those in the House who were lowest upon the poll and the scrutiny. And here I must observe, what a strong and unanswerable confirmation of the point I am endeavouring to establish, springs from a careful review of the Oxfordshire case. The cause of the unsuccessful candidates was pleaded at the bar by one of the greatest characters of that time, and one of the greatest ornaments of this, I mean Lord Camden, *quem gratia honoris nomino.* A question was agitated to ascertain a peculiar qualification, which bore the most inauspicious, and, as it afterwards proved, the most fatal aspect towards his clients. If any objection to determine the point upon that ground could possibly be supported, does any one doubt that his ingenuity and penetration would not have discovered it? Does any one doubt that he would have enforced that objection with all that perspicuity and fervour of eloquence, which so much characterize that noble lord? But the idea of a sheriff withholding a return, on account of a scrutiny, never once occurred to him, nor to those who

managed it within the bar: nor do I believe, until this time, (to answer the laudable purpose of the present moment) did it ever enter into the head of any man as legal or practicable.

So much for the Oxfordshire case, which, I maintain, goes with us in all its points and principles.

With respect to the Westminster case in 1749, a learned gentleman (Mr. Hardinge), who has spoken with much liveliness, but without one word of legal argument, tells you, the scrutiny then and the scrutiny now are cases exactly in point. In contradiction to that, I affirm, that not the least similitude subsists between them. In this case, the writ is returnable upon the 18th day of May; in that, no precise time is mentioned for the return: and here consists the whole difference. Every one knows that the election of Trentham and Vandeput was upon a vacancy, in consequence of Lord Trentham's accepting a seat at the board of admiralty. Upon a general election, the king calls a parliament for the dispatch of great and urgent affairs, and he calls it to meet upon a particular day: now, Sir, observe, if there be no compulsion upon returning officers to make their returns by that express time, what is to become of the great and urgent affairs for the dispatch of which his majesty calls a parliament? Can you reconcile for one moment, that the nation should be bound by laws, and burthened with taxes to which they did not consent; that the king should have no parliament, and the people no representatives, to dispatch the weighty and urgent affairs they are called to consider by a particular day, only because it is the whim, or fancy, or wickedness, of a returning officer, at his leisure, to keep them employed in the long laborious business of a scrutiny? But, during the existence of parliament, when a writ issues upon a vacancy, no particular day is named for its return. A poll or a scrutiny (which means only a continuation of the poll in another form) may be carried on, because it does not in the least infringe upon the exigency of the writ; because no particular time is mentioned for the return, and because his majesty does not call upon that individual representative to come upon a precise day, for the dispatch of great and urgent affairs that affect his people, as upon a general election. This, therefore, constitutes the distinction, and it is a wide and a material distinction—the grievance, from the absence of one representative is slight, and the law, in that case, admits a scrutiny; but in the other case, to withhold the return beyond the time appointed, is infringing the exigency, and violating the terms on which it was issued; which are, that the parliament must meet upon that express day, for that express purpose.

Why there should be this distinction—why the compulsion

of a return, by a specified period, should not exist, as well in cases of vacancy, as of general election, is not now the point in dispute. If it be, as I think it is, a defect, it only serves to prove, that in the best works of human wisdom there are flaws and imperfections. Our aim is to find out what is the law, not why it is the law; and, from the whole, it is clear, that the high bailiff of Westminster, in over-stepping this distinction, and granting a scrutiny to commence after the day of the general return, has broken every statute that appears upon this subject in your books, and gone in the face of every precedent that can be found in your journals.'—[Mr. Fox said a few words upon the Carnarvon case, and upon something that fell from the master of the rolls upon it. The master of the rolls made a short observation.]

The third ground, resumes Mr. Fox, upon which I shall take up this subject, is upon that of the analogies of law; and upon this I shall detain the House only with a few words; not only because my ignorance of that profession disqualifies me from treating the point fully, but because all that can be said has been urged, with the greatest force and effect possible, by the learned gentlemen who appeared at your bar in my behalf; the proof of which is, that not a position they have advanced upon the legal analogies, has been controverted by the learned gentlemen who pleaded for the high bailiff without the bar, or those venerable judges and crown lawyers, who have attempted to defend him within the bar. Little, therefore, remains for me to say; but, little as I affect to have of information upon this part of the subject, I have enough to know, that wherever the gentlemen on the other side have attempted to assimilate this case with legal analogies, they have completely and entirely failed. They have endeavoured to establish, that an officer may go on to execute the object for which the writ was issued from the courts in Westminster Hall, even after the day on which the writ is returnable. Yes, Sir, he may go on; but how? Upon the authority of the expired writ?—No, by no means. He goes on by a new power given him by that court whence the writ originally issues, to complete that which the premature expiration of his first commission prevented his accomplishing. In a word, the court has the power of rendering effectual its own process, and therefore grants a writ of *venditioni exponas*, where the sheriff has not been able to sell the goods levied under the first writ; and many other writs of different titles, for the purpose of completing that process the court has begun. But has any man said, that without a fresh authority, any sheriff, or any officer of any court of law, can proceed a single step under the old writ, one single hour after the day

named for its return? I say no, Sir. There is not one man, however ignorant in other things, who does not know that all the authorities of all writs are defunct and extinct on the day named for their return. It is admitted, that the court can grant a new power to compleat its own process. Now, Sir, to shew the gentlemen on the other side that they have not a shred of analogy to support them, I will suppose, for a moment, that the writ under which the high bailiff carried on this election, had been issued from this court—what writ, or what legal authority can you give him to finish that which, he says, is still depending? None, I say, Sir. A court of law can effectuate its own process, by giving its officer a new power on the demise of the old: but did you ever hear of one court granting an authority to accomplish the purpose of a writ issued from another? Never. Such a thing was never heard of. And how stands the fact here; that the court of chancery issues the writ, and the House of Commons (another court) is to send forth a fresh writ, to finish that which has not been finished under the king's writ issuing from chancery, the duration of which ceased on the 18th of May. See the infinite absurdity into which these poor attempts to make out analogies involve the supporters of the high bailiff. Will they say, though this House cannot issue a supplemental power, the usual officer for making out parliamentary writs can? Try it, Sir, and you will puzzle all the writ-framers belonging to the House: I will venture to say, that all the skill of the crown office, and all the skill of the court of chancery combined, will be at a loss in what shape or mode to frame an instrument so exotic and hideous. I will not push this point farther, satisfied that no candid man can have a second opinion upon the subject; and shall conclude this part of my speech with affirming, that the statutes, the precedents, and analogies of law, assert and establish the truth of my honourable friend's motion; and that, by those three tests, I am clearly entitled to the judgment of this House against the conduct of the high bailiff of Westminster.

The fourth and last ground of consideration, is upon that of expediency, upon sound sense, and general policy; and here I shall have as little trouble as upon the three former grounds to establish every position, and to shew the House the iniquity of this proceeding. The conduct of this bailiff not only violates the spirit and letter of every law, but absolutely, in so far, subverts the main principles of the British constitution. When the king calls a new parliament, the fair presumption is, that the 'great and urgent affairs,' for which he calls them together, demand their immediate de-

liberation. It is clear that our ancestors were extremely cautious that nothing should prevent or obstruct their meeting; and, lest returning officers should be instrumental to this obstruction, all the statutes, and all the precedents that bear upon this matter confirm their jealousy, and prove their diligence to guard against abuses. The misconduct of returning officers, the facility of the evil, and the dangerous consequences resulting from it, were the evident and avowed cause of making those laws which I have mentioned, and which were avowedly intended to restrain them. Let but the conduct of the high bailiff of Westminster be sanctified this night by this House, and I challenge the ingenuity of mankind to shew a more effectual mode of putting the nation into the hands of returning officers.

What security can any man have, that a parliament shall meet when the king calls it, if you establish this precedent? An honourable friend of mine, who has this day spoken for the first time, (Sir James Erskine,) and who has exhibited a power of fancy, and force of argument, that give a high promise of his making a splendid figure in this House, has said, it was possible the House of Commons of England might, upon the assembling of a new parliament, be confined to the members from Scotland, where all scrutinies precede elections, and where the positiveness of the law prevents the commission of these knaveries. Now, although the brilliant fancy of my honourable friend might, perhaps, have stretched the possibility a little too far, is there a man who will engage, that this case once sanctified, the example will not be followed to the most calamitous excess? The exact number of 513 English members might not indeed be absent upon the meeting of a new parliament; but will any man say why 20, why 60, why 100, nay, why 200, might not, by the ignorance, by the caprice, by the folly, by the stupidity, or (what is more analogous to the case in question) by the baseness or treachery of a returning officer, remain unreturned? Here I must notice the low, the little, the miserable allusions which are so frequently made, by those over against me, to the place that did me the honour of sending me to parliament; but it is a poor and a pitiful kind of triumph. Much as they may affect to exult, nothing can be clearer than their disappointment upon the occasion, and the petition lately presented against my seat for Kirkwall, proves their mortification to a certainty. And indeed it appears from the conduct of government, that Scotland is the only place that could return me, as the same shameless persecution would, no doubt, have followed me in any other place in England; fortunately there was one part of the kingdom where their oppression could

not prosper, and from which their violence and injustice could not exclude me.

Sir, I do really believe that the supporters of this extraordinary business look but a short way, and do not at all calculate or count upon its probable effects. If there had not been an act of parliament expressly to regulate scrutinies in the city of London, who can say that, at this moment, when laws are to be made as serious and interesting as any that ever passed in this country; when great and weighty impositions must be laid upon the subjects; when new and important regulations are to be entered upon, concerning the commerce, the credit, and revenues of the nation—who can say that at this time the capital of the country, so deeply and supremely interested in all these objects, might not be deprived of representation as well as the city of Westminster?—But, Sir, I beg pardon—I am doing injustice. The sheriffs of London are too well acquainted with their duty, and too zealous for the honourable discharge of it, to have been guilty of so gross an outrage upon the laws of the land, or lent themselves to be the vile and sordid instruments of so base a business.

But, the character of an officer is a weak security against the abuse of an office. Under men less informed, and less tenacious of their official reputation, who can say (if an express act had not rendered it impossible) that the patrons of Sir Cecil Wray, who are also the patrons of Mr. Atkinson, might not practise the same stratagem in the city of London, and, by that manœuvre, prevent the wishes and the sentiments of the capital from being declared in this House, through the constitutional organ of their representatives?—They, Sir, I affirm, are weak and foolish men, rash and giddy politicians, who, by supporting a measure of this kind, become parties in a precedent, capable of producing consequences which strike at the source and root of all legislation. For it is the fundamental maxim of our constitution, that the consent of the people by their representatives is essential and indispensable to those laws that are to govern them.

Upon this, however, a curious sort of reasoning is adopted, and a noble lord (Mulgrave) sees no evil in a defect of representatives for Westminster, as it is virtually represented by those who sit here for other places. In the principle that every member is bound to the common interest of all, I certainly do agree, but I beg leave to set myself wholly against the general argument of virtual representation. We have too much of virtual, and too little of real representation in this House; and to the present hour I never heard, that the most determined enemy to a parliamentary reform ever urged, that the virtual representation of the country was so complete a

substitute for real representation, as to deem it wise and salutary upon slight occasions, or upon any occasion to lessen that which is already much too little. The whole tide of reasoning lies, on the contrary, run in the other channel, and the great argument for a parliamentary reform, has been founded upon this very defect of real representation, which the noble lord over against me is so zealous to diminish. As the honourable gentleman near him, however, (Mr. Pitt,) is the professed friend of that reform in the representation of the people of the country, which I have in common with him so long laboured in vain to accomplish; I shall hope to see him stating this very case of Westminster, to induce the House to adopt the motion which will be made upon that subject, by my honourable friend (Mr. Sawbridge) in a few days. Of the prosperity of that motion, I now entertain real confidence; the boasted power in this House of the right honourable gentleman insures success to any measure he abets. No question therefore can be entertained of attaining it, if the honourable gentleman is serious upon the subject; for surely the people of England can never be persuaded, that the majority which supported the minister in vindicating a direct violation of the law of the land, in the person of Mr. Corbett, could have failed him in endeavouring to effect an object so long looked for, so loudly called for, and so essentially necessary to the security of the constitution and the good of the nation, as a reform in the palpably defective representation of the people in this House.

The same noble lord attempts to strengthen his cause with a species of argument still more extraordinary, if possible, than the former, although of nearly the same nature. He tells you that representing Westminster has been a mere naval honour; and after stating the choice of Lord Rodney when on foreign service, leads you to this inference, that the electors of Westminster are wholly unsolicitous whether they are represented or not. This is rating the electors of Westminster at a low estimate indeed; but I, Sir, who know them better than the noble lord, deny that they are so insensible to the blessings of the British constitution as his argument pretends. The electors of Westminster have rescued themselves from this imputation, Sir, they are seriously anxious to be represented, and they tell you so. But I remember, when absence was deemed a disqualification for naval officers upon a Westminster election. I remember when Lord Hood was in the zenith of his fame, that a person now in my eye (Lord Mahon) urged his absence to the electors, as a ground of rejection, and advised them to prefer Sir Cecil Wray, who was present and able to represent them, to Lord Hood who was

absent and unable. This, though not my argument (whose opinion is uniformly, that all electors of all places should elect the men of their choice) was the exact argument of the present supporters of Lord Hood, in favour of that of Sir Cecil Wray, who then opposed him, but who now (in his enmity to any junction after past opposition, in his utter abhorrence of all coalitions) is linked with that very Lord Hood in ties of friendship and good faith, which he certainly never will violate.

Efforts, Sir, have been made to explain the act of George II. to the exculpation of this high bailiff; and his supporters affect to justify him upon his declared difficulty in making up his conscience. Why, Sir, the very act they attempt to shield him under, is his strongest condemnation. The oath imposed in that act, only binds him to decide to the best of his judgment by a limited time. Lives there one man who shall say, this man would have incurred the penalties of perjury, if he had returned the majority upon the poll? Lives there one man, who thinks the disquietude of his conscience alone prompted him to make the return he has made, when they must see a thousand instances every day of decisions of conscience, in cases a thousand times more ambiguous and solemn? I will ask the House, whether this high bailiff has appeared to them, in the course of this business, so spotless, so immaculate, so consistent, as to induce them to give him credit for a delicacy of nerve, and a tenderness of scruple, beyond any other man living? Every person in the exercise of a judicial function stands precisely in his predicament. What should become of us, if a judge were for ever to delay justice until he could make up his conscience to the minutest point of precise accuracy upon every doubt? There are few cases upon which a man cannot form some opinion; all that is required here is, to form the best opinion he can, and if seven weeks did not afford the high bailiff time enough to determine, it is surely hard with those who are obliged to decide almost immediately in the most important interests of humanity. My honourable friend who made this motion, with that weight and wisdom that accompany all his observations, has adverted to the case of jurors. Have you then patience at this man's pretence of conscience, when you reflect that twelve men must all concur before they go out of court, in a judgment, which perhaps consigns a fellow-creature to an ignominious death; the case may be doubtful too, and they must all concur in a few hours at most.

It is unnecessary to push this point farther. I appeal to the House. There are feelings which even party prejudices cannot dispossess us of. We owe to each other a certain candour;

and, I am sure, I should be thoroughly satisfied to put this matter to the private answer of any man who hears me; if I were only to ask him, upon his honour as a gentleman, whether he really believes the return of this high bailiff is an act of conscience? And whether he thinks, if I stood in Sir Cecil Wray's place, and he had my majority, that we should ever have heard of this man's difficulty in giving judgment; or ever been insulted with this mockery of his scruples?

To shew, in another striking point of view, that this scrutiny is against the law, let the House reflect, for a moment, upon its utter inefficacy to enable the high bailiff to form a judgment; as that is the pretended cause of it. What means has he of exploring those things which he now affects to entertain doubts upon? He can command no witness; he can compel no appearance; he has no legal authority of penetrating the obscurity of any fact like other judges; he can administer no oath; he can impart no remedy to the party aggrieved, by so tedious and vexatious a process; he can award no costs; he can try no offence that occurs in the execution of this important duty; he is governed by no precedents; he is bound by no decisions; what he affirms to-day, he may deny to-morrow; he has, in a word, all the means of doing injustice, and no one power or competent faculty to do justice. Yet to this species of tribunal is this House going (in violation of law and practice) to send me and my cause, on purpose to evade one which is fully adequate, effective, and vigorous; I mean a committee under Grenville's bill.

A noble lord expresses his suspicions of the sincerity of my praises of Grenville's bill, and says, he imagines there is 'a snake in the grass:' it is most true, that I have had my doubts upon the effects of that bill, when it first passed into a law; but, Sir, it is exerting the worst tyranny upon the understanding of men, if they are to be for ever condemned for having entertained doubts upon a subject purely theoretical. Extinct is every idea of freedom, and lost is the boasted liberty of debate, and the spirit of free-thinking in this country, if men are to be debarred from profiting by practice, and changing opinion upon the conviction of experiment. All I can say, Sir, is, that the many salutary effects of that bill have long since completely converted me; and I do assure you, in great sincerity, that no man living reveres and loves it more than I do. There can be no stronger proof of its superior excellence, than that the evasion of it is the only possible means by which his majesty's ministers could perpetrate this gross act of injustice. The most infallible of all tests, the test of repeated practice, asserts its virtues; and my attachment to it is not a little increased, for that it resembles that

inestimable right, one of the few that Englishmen have yet to boast—the trial by jury. Oh, that it were possible to mould this House into the size and character of a jury—of twelve men acting, indeed, upon conscience. and sworn upon oath, to give a true verdict according to evidence! How easy should I feel concerning the issue of this discussion!

In addition to all these arguments, will the House reflect that this scrutiny is not final in deciding the right of sitting here? Will they reflect, that after all the waste of time, after all the expence, all the labour, all the fatigue, which are indispensable upon it, its termination (whenever it may happen) is but the commencement of another process, before a judicature capable and competent to administer justice, with a new series of expence, and labour, and fatigue. And who can tell us when this scrutiny shall conclude? The granting it is not more illegal and oppressive, than the duration is uncertain and indefinite. Who can promise when such a conscience as Corbett's will be quieted? And who will venture to say, that after one, two, three, or ten years investigation, the high bailiff's conscience may not be as unsatisfied, even upon the scrutiny, as it appears at this moment, after a seven weeks poll?

"But," say the supporters of the high bailiff, "this House will take care that there is no vexatious delay in the business, and will from time to time call upon him for a return, or for the cause that may prevent his making one." I understand that argument perfectly well, Sir; and it is of itself sufficient to shew the grossness of this proceeding. When the bailiff will be called on to make a return, and when he will obey that call, can be very easily conceived indeed. If it were possible for this man, in the course of this scrutiny, to strike off from my numbers so many as would place Sir Cecil Wray on the head of the poll, I have not the smallest doubt that all delays subsequent to such an event would appear just as frivolous, as vexatious and oppressive, to the gentlemen on the opposite bench (the ministry) and to the high bailiff's conscience, as the whole proceeding now appears to me, and to the injured electors of Westminster. Upon all the considerations, therefore, that I have mentioned—the inordinate expence; the inefficacy of the tribunal; the obvious necessity of afterwards resorting to a more adequate and competent judicature; the certainty that this precedent will be the source of future oppressions; the dangerous example of it to other returning officers, who, under the sanction of this case, can give full scope to their partialities, their caprices, and corruptions; the circumstance of depriving so great and respectable a body of men of their representation in this House; the recognizing that dreadful doctrine, that a king may be without a par-

liament, and the people without representation, at the mere will and bare discretion of any low, mean, ignorant, base, and wretched being, who may happen to be a returning officer; from all these considerations, therefore, I am convinced, and I hope I have convinced this House, that if no statute could be found upon the subject, that if the common law were silent, and that legal analogies gave no light upon the subject, even upon the grounds of common-sense and expediency, the law is clear and intelligible. But when all these concur to define and to decide the law; when positive statutes, when practice and precedents, when the analogies of law, and the arguments of expediency, founded upon the immutable principles of wisdom, reason, and sound policy, all combine and unite to establish and to assert it, can I have any fear to say that this motion ought to pass, and that the high bailiff of Westminster, instead of being permitted to proceed with this scrutiny, should make a return of members for the city of Westminster?

Some gentlemen have argued, that this motion does not agree with the prayer of the petition which was presented by me with a view of its being referred to a committee.—[Here the minister gave a token across the House, as if to deny the fact.] —Really, Sir, if there is not enough of candour to admit this assertion without being explained, there seems but little chance of a fair hearing, or of a fair construction, upon points much more material. I again declare it was presented for the purpose I have described. A majority of this House decided, that the petition was not cognizable by Mr. Grenville's bill; and it was upon a suggestion from the other side of the House, that I presented it the same day to save time, and prayed that counsel might be heard at the bar in favour of it. The sole object of that petition was, that this House might order such a return, as would come under the jurisdiction of a committee; the motion before you goes precisely to the same point, and to no other.

To that argument, if it deserves the name of argument, that we are inconsistent in desiring the high bailiff to make a return, when we contend that all his authority under that writ is completely defunct; it is almost unnecessary to reply, because it evidently defeats itself. In contending that the high bailiff was *functus officio* on the 18th of May, we are fortified by law; and, in desiring he would make some return, we are justified by precedent.

We contend, and contend with truth, that the writ under which the high bailiff carried on the election, being returnable on the 18th of May, on that very day deprived the bailiff of all judicial authority, and divested him of all legal power

under that writ. To proceed with a scrutiny is a great act of authority; to tell us who have in his opinion the majority of legal votes, is not. That this House should order a returning officer to commence a scrutiny several days after the positive day on which his writ was returnable, cannot be paralleled by a single case in all the history of darliament — that it should order a returning officer, who tells you he proceeded to an election, carried on a poll for a sufficient time, and that he then closed that poll of his own authority, to make a return, has happened again and again. We do not desire him to exercise any jurisdiction under that writ now, we only desire him to acquaint us with the fruits of the jurisdiction which he has exercised under it. I have done so and so, says the high bailiff — Tell us what you mean, is all we say. 'I have, 'on such a day, proceeded to an election,' says he, 'I have 'carried on a poll for forty days; I have, on the day before 'the return of the writ, closed that poll of my own autho-'rity.' — All this we understand; in all this you did your duty; only tell us who are the candidates chosen upon this long poll? We do not mean to say you have at present any authority to do any thing under that writ; all we want to know is, what you have done when you had authority under it? Let the House reflect upon this fair and reasonable distinction, and they will see the paltriness of those quibbles, the misery of those low subterfuges, which imply that we would bring 'a dead man to life,' and which imply an inconsistency between the motion and the arguments advanced in support of it.

What, I beg leave to ask, has appeared to the House extraordinary or uncommon in the election for Westminster, that justifies this matchless violence? In all the variety of evidence they have heard at the bar, has there been a proof of one single bad vote on my side? Not one; but there was much hearsay that I had bad votes: Sir Cecil Wray, and his agents told the high bailiff they heard I had. — Good God, Sir, am I addressing men of common sense? Did any of you ever yet hear of an election, wherein the losing candidate did not charge bad votes and bad practices upon the fortunate candidate? Peevishness upon miscarriage is perhaps an error, but it is the habit of human nature; and was the high bailiff so hacknied in the ways of men, as to be unapprised of this frailty; or, are the discontents of Sir Cecil Wray, and the loose accusations of his agents, the extraordinary things which the House sees in the Westminster election to justify this proceeding? Is the length of the election one of these uncommon accidents? By no means. The same thing happened at Bristol, where, without doubt, a scrutiny had been granted, if the

returning officer thought the law would bear him out in it. The same thing happened at Lancaster, where a scrutiny was demanded and refused; and where, when the connections of one * of the candidates are considered, no doubt can be entertained, that every stratagem to procrastinate, every scheme to perplex, every expedient to harass, all that a disposition, not the mildest when victorious, nor the most patient when vanquished, all that wealth, all that the wantonness of wealth could do, would have been exerted; and where a plan so admirably calculated for litigation, for vexation, for expence, for oppression, as a scrutiny, would not have been omitted, were it found legal or practicable.

Let the House reflect for a moment upon the facility of a collusion in a case of this sort, to keep a candidate from his seat, whose right to it is clear, unquestioned, and unquestionable. Suppose that not one single bad vote had been given for Lord Hood in the late election, and that the noble lord were not (he best knows why) resigned and easy under this proceeding; what could be more hard and cruel than his situation? Does not the House see that ministers will be enabled by this precedent, to exclude an obnoxious candidate for an indefinite space of time, even though his majority be the most undoubted possible, and his election the fairest in the world? It is only for the losing candidate to demand, and for the returning officer to grant a scrutiny. These are some of the evils that present themselves upon the recognition of this practice, as right and legal. For my part, I see nothing in the late election for Westminster peculiar and distinct from many other elections, but this singly, that I was one of the candidates. In that light it is already seen by every cool, dispassionate and sensible man; and that the whole nation will contemplate, and construe the business of this night as an act of personal oppression, I am thoroughly convinced; nor can they think otherwise, when they learn, that in all the law books of this country, in all your Journals, in all the histories of parliament, in all the annals of elections, in this great land of elections, where, from time to time, all that power, all that ingenuity, all that opulence could devise or execute, has been tried in elections; where, in the vast masses of cases that have happened, in all the multiplied variety of singular and curious contests we read and hear of, nothing is found that assimilates with, or authorises this scrutiny, under these circumstances — not even by the worst of men, in the worst of times.

* Mr. Lowther, the nephew of Sir James Lowther, just then created Earl of Lonsdale.

"Sir, I will acquit the honourable gentleman over against me (Mr. Pitt) of being the author, or of being a voluntary instrument in this vile affair; and in that concession, Sir, I do not give him much — it is but crediting him for a little common sense indeed, when I suppose that, from a regard to that government of which he is the nominal leader, from a regard to his own character with the world at this time, and his reputation with posterity, he acts his part in this business not without concern. That he may be accusable of too servile a compliance is probable enough; but of a free agency in it I believe he is guiltless. Not to him, Sir, but to its true cause, do I attribute this shameful attack; to that black, that obstinate, that stupid spirit, which by strange infatuation pervades, and has pervaded, the councils of this country, throughout the whole course of this unfortunate and calamitous reign — to that weak, that fatal, that damnable system, which has been the cause of all our disgraces, and all our miseries — to those secret advisers, who hate with rancour, and revenge with cruelty — To those malignant men, whose character it is, to harass the object of their enmity with a relentless and insatiate spirit of revenge; to those, Sir, and not to the honourable gentleman, do I impute this unexampled persecution.

Having said so much as to the real authors of this measure, there remains another consideration with which I am desirous to impress the House; it is a consideration, however, which in policy I ought to conceal, because it will be an additional incitement to my enemies to proceed in their career with vigour; but it will, nevertheless, shew the extreme oppression and glaring impolicy of this scrutiny — I mean, the consideration of expence.

I have had a variety of calculations made upon the subject of this scrutiny, and the lowest of all the estimates is 18,000l.: this, Sir, is a serious and an alarming consideration. But I know, it may be said (and with a pitiful triumph it perhaps will be said) that this is no injury to me, in as much as I shall bear but a small part of the burden — But this, Sir, is to me, the bitterest of all reflections.

Affluence is, on many accounts, an enviable state; but if ever my mind languished for and sought that situation, it is upon this occasion; it is to find, that, when I can bear but a small part of this enormous load of wanton expenditure, the misfortune of my being obnoxious to bad men in high authority should extend beyond myself; it is, when I find, that those friends whom I respect for their generosity, whom I value for their virtues, whom I love for their attachment to me, and those spirited constituents to whom I am bound by

every tie of obligation, by every feeling of gratitude, should, besides the great and important injury they receive, in having no representation in the popular legislature of this country, be forced into a wicked waste of idle and fruitless costs, only because they are too kind, too partial to me. This, Sir, is their crime, and for their adherence to their political principles, and their personal predilection for me, they are to be punished with these complicated hardships.

These, Sir, are sad and severe reflections; and although I am convinced they will infuse fresh courage into my enemies, and animate them the more to carry every enmity to the most vexatious and vindictive extremity, still it shews the wickedness of this scrutiny, and the fatality of its effects as an example for future ministers.

Little remains for me now to say upon this subject; and I am sure I am unwilling to trespass more upon the House than is barely necessary. I cannot, however, omit to make an observation upon an argument of two learned gentlemen (the Lord Advocate and Mr. Hardinge) who concluded two very singular speeches with this very singular position — That the House had only to chuse between issuing a new writ, or ordering the scrutiny; that in its lenity it might adopt the latter method — but that their opinion was, for issuing a new writ. Now, Sir, if I, who think the old writ totally annihilated; who think that its powers and authorities have been completely extinct since the 18th of May, had delivered such an opinion, there would have been nothing in it inconsistent; and I should certainly be for issuing a new writ in preference to a scrutiny, if the law, the reason of the thing, and practice of parliament did not convince me, that the high bailiff having finished the election on the 17th, might make a return as of that day. But for the learned gentlemen who contend, that the old writ is still in full vigour and force; who think that the high bailiff has acted constitutionally and legally, and that a scrutiny may go on after the return of the writ — for those gentlemen to assert, that issuing a new one would be the fitter measure, is indeed extraordinary. But, Sir, against that position, that the House might order the scrutiny to proceed, as a measure of lenity, I beg leave directly to oppose myself; I beg leave to deprecate such lenity, such oppressive, such cruel lenity!

To issue a new writ is a severe injustice, and a great hardship; but if I am forced to the alternative, if I am driven to the necessity of chusing between two evils, I do implore the House rather to issue a new writ, than to order this scrutiny. Nothing can possibly be half so injurious, half so burthensome, half so vexatious to me, and to my friends, as this scrutiny;

and it is evidently ineffectual, as it cannot be supposed, that I should finally submit to the decision of a tribunal from which I have so little justice to expect. There is nothing, I assure the House, to which I should not rather resort, than to the conscience of Mr. Thomas Corbett; upon whom I do not expect, that the translation of the scene from Covent Garden to St. Ann's, or proceeding upon a scrutiny instead of a poll, will operate such conversions, as to give me any hope of his displaying any other character, or appearing in any other light, than that in which I have seen him upon many occasions in his official capacity. Therefore, Sir, if it be only the alternative, I beg that the issuing a new writ may be the alternative you will adopt. In that case, I assure the honourable gentleman (Mr. Pitt) that I shall immediately apply to him for one of the Chiltern Hundreds to vacate my seat for Kirkwall, and instantly throw myself, as my only chance for the honour of sitting in this House, upon the good opinion of the electors of Westminster; who, in a season of phrenzy and general delusion; who, when artifice, fallacy and imposture prevailed but too successfully in other parts of the country, discovered a sagacity, a firmness and a steadiness, superior to the effects of a vulgar and silly clamour; and who, upon the very spot, the very scene of action, manifested that they understood and despised the hypocrisy the fraud and falsehood which gulled and duped their fellow subjects in other places. In the event of a new election, I do anticipate future triumphs more brilliant, more splendid if possible, than those I had lately the honour of enjoying. Little fear do I feel of success with the electors of Westminster, who will not, I am sure, abandon me, until I desert those principles which first recommended me to their favour.

A person of great rank in this House, has thrown out a hint or threat, I know not which to call it, in a former debate, "that I should not again disturb the peace of the city of Westminster." Good God, Sir, did any man ever hear such aggravating, such insulting insinuations? I disturb the peace of Westminster! Is that honourable gentleman not contented with breaking every law, with violating every statute, with overturning every analogy and every precedent, to accomplish this business; but must he, at the very moment he thus makes a deep breach in the English constitution, complete the catalogue of injury, by adding pertness and personal contumely, to every species of rash and inconsiderate violence? I! I disturb the peace of this city, who have three times had the honour of representing it in this House; I! who was favoured with the free suffrages of its electors, long, long before any of those who lately opposed me, were ever talked of, ever thought of, for such

a distinction! Every man qualified to sit in parliament, has a right to offer himself wherever he thinks proper; and it is indecent, daring and audacious, in any man, to insinuate, that he ought not to disturb the peace of the place. I, therefore, hope, Sir, that a language so peculiarly false and unbecoming towards me, and so directly repugnant to the genius and spirit of the constitution, will meet with the disapprobation it deserves in this House, as it certainly will be received with merited odium and execration out of this House.

Upon the generous protection of the electors of this city, I shall certainly throw myself, in case of a new writ; and, in doing so, Sir, well I am aware, what series of various difficulties I have to encounter. Expences at elections, in despite of every effort to reduce them, still continue most exorbitant; and how ill matched in funds and certain inexhaustible resources, I stand with my opponents, is indeed very unnecessary to explain.—But, Sir, it is not in the article of expences that I should most dread the operation of that power that sustains my adversaries; that power, which discovers itself in characters that cannot be mistaken, through every part of this transaction. I must be blind not to see, that the hand of government appears throughout this matter. When I consider the extreme care employed in preparing it for the measures which have been taken in this House, in consequence of it—when I consider the evident determination not to let it rest here—when I consider the extraordinary zeal and anxiety of particular persons in this House, to shelter and to sanctify this high bailiff—when I consider the situation of those who take the lead and are most active in his vindication—when I consider the indifference of my adversaries to the expences which result from this scrutiny, but which expences must be a severe stroke upon the spirit and independence of those by whom I am supported—when I consider that all that artifice could dictate, and power could execute, have been exerted upon this occasion, I can have no doubt, that the hand of a revengeful government pervades it all. The opposition of such a government upon an election, is a discouraging circumstance; and the likelihood of renewing again those events which I have witnessed within the last two months, is indeed a formidable and terrific prospect.

When I look back, Sir, to all the shameful and shocking scenes of the Westminster election—when I consider that my enemies practised all that was possible of injustice, indecency and irreverence, in their efforts to overwhelm me—when I consider the gross, the frontless prostitution of names too sacred to be mentioned—when I consider, that all the influence

of all the various branches of government was employed against me, in contempt of propriety, and defiance of law — when I consider, that a body of men was brought in the appearance of constables, to the place of election, under the command of a magistrate, and against the express opinion of all the other magistrates of Westminster — that these constables broke that peace they were bound to preserve, and created a riot, which proved fatal to one of their own body — when I consider, that this was made the pretence of a wanton, an indecent, and unconstitutional introduction of the military, in violation of all that has been done by our ancestors, to keep sacred the freedom of election — when I consider that the lives of innocent men were deemed light and trivial impediments to the gratification of that implacable spirit of revenge, which appears through the whole of this business — when I consider that several men of the lower order of life, whose only crime was appearing in my interest, were confined many weeks in prison and obliged to stand trial, and* that others, of the higher rank, ingenious and amiable men, valuable for their qualities, respectable for their characters, distinguished for their abilities, and every way meriting the esteem of mankind, were also attacked without the shew of a pretence, and obliged to undergo the ceremony of a public acquittal from the foul crime of murder — when I consider that palpable perjury and subornation of perjury were employed to accomplish the sanguinary object of this base conspiracy — when I consider that the malignity of my enemies has stopt at nothing, however gross and wicked, to ruin me and all that appeared in my interest — when I consider all this, Sir, I cannot indeed but look with some anxiety to the circumstance of a new election.

I am not, Sir, it is well known, of a melancholy complection, or of a desponding turn of mind, yet the idea of again combating this host of oppressions might, in other situations, deter me from the risk. — But I owe too much to the electors of Westminster, ever to abandon them from the dread of any consequences; and I do assure you, that I should conceive a new writ, with the hazard of all these hardships, as a great indulgence and favor, compared to that mockery, that insult upon judicature, a scrutiny under Mr. Thomas Corbett.

Sir, I have nothing more to say upon this subject — whatever may be the fate of the question, it will be a pleasing

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* These men were tried at the bar of the Old Bailey, and acquitted. A bill of indictment was also found against Mr. O'Bryen, but no evidence was produced against him in court.

reflection to me, that I have delivered my opinions at full, upon a point so important to that great and respectable body of men, to whom I am so much indebted; and I sincerely thank the House for the honour of their patience and attention through so long a speech.

To the honourable gentleman over against me (Mr. Pitt) I will beg leave to offer a little advice. If he condemns this measure, let him not stoop to be the instrument of its success. Let him well weigh the consequences of what he is about, and look to the future effect of it upon the nation at large. Let him take care, that when they see all the powers of his administration employed to overwhelm an individual, men's eyes may not open sooner than they would if he conducted himself within some bounds of decent discretion, and not thus openly violate the sacred principles of the constitution. A moderate use of his power might the longer keep people from reflecting upon the extraordinary means by which he acquired it. But if the right honourable gentleman neglects his duty, I shall not forget mine. Though he may exert all the influence of his situation, to harass and persecute, he shall find that we are incapable of unbecoming submissions. There is a principle of resistance in mankind, which will not brook such injuries; and a good cause and a good heart will animate men to struggle in proportion to the size of their wrongs, and the grossness of their oppressors. If the House rejects this motion, and establishes the fatal precedent that follows that rejection, I confess I shall begin to think there is little to be expected from such a House of Commons. But let the question terminate as it may, I feel myself bound to maintain an unbroken spirit through such complicated difficulties; and I have this reflection to solace me, that this unexampled injustice could never have succeeded, but by the most dangerous and desperate exertions of a government, which, rather than not wound the object of their enmity, scrupled not to break down all the barriers of law — to run counter to the known custom of our ancestors — to violate all that we have of practice and precedent upon this subject, and to strike a deep blow into the very vitals of the English constitution, without any other inducement or temptation, or necessity, except the malignant wish of gratifying an inordinate and implacable spirit of resentment.

The question being put, the House divided:

	Tellers.			*Tellers.*	
YEAS	Lord Maitland Mr. Sheridan	117.	NOES	Lord Mulgrave Mr. R. Smith	195.

So it passed in the negative. As soon as the House was resumed, Lord Mulgrave moved, "That the high bailiff of the city of Westminster do proceed in the scrutiny for the said city with all practicable dispatch." This was strenuously opposed by Mr. Fox, as a motion that the House was not bound to come to, and as a question that called necessarily for a considerable share of discussion before gentlemen could possibly make up their minds upon it, so as to decide whether it ought to pass or not. If he should not take any step in the scrutiny, but protest against its illegality, which was probable, he might incur a contempt of the orders of the House; but the glaring evil of the motion was, that the House should step between him and justice against the high bailiff in the courts below. Mr. Lee followed Mr. Fox with similar arguments. He much doubted the legality of the House coming into such decision, since it was interfering, by one of their orders, with the duty of the high bailiff, who acted under a different authority, and concluded with moving a question of adjournment. Mr. Fox seconded this motion, and called upon his friends, for support in opposing the original motion. After a short conversation, the House divided on the question of adjournment:

	Tellers.		*Tellers.*	
YEAS	Lord Maitland Mr. Sheridan	90. — NOES	Sir George Yonge Mr. R. Smith	178.

So it passed in the negative. The main question was then put and carried, and the high bailiff was called in to the bar, and the speaker acquainted him with the said resolution; agreeably to which the high bailiff proceeded with the scrutiny during the remainder of the session, and during the recess.

MR. ALDERMAN SAWBRIDGE'S MOTION FOR A REFORM OF THE REPRESENTATION OF THE COMMONS IN PARLIAMENT.

June 16.

ON the order of the day being read, Mr. Milne addressed himself to Mr. Alderman Sawbridge, and as a friend to a reform in the representation of the commons in parliament, intreated the worthy alderman to postpone it to another session. He trusted he would see the propriety of complying with such a request, and that the reasons for deferring it would be at once obvious to him, to the House, and to the public. The only inducement which he would urge on the present occasion was, that the minister on that condition would certainly adopt something specific and decisive as early as possible next session. Mr. Sawbridge thought the proposition rather extraordinary. He did not however wish to do any thing which might have the appearance of rashness and precipitancy, and would therefore suspend his proceedings at least till

he heard from the minister's own mouth what his intentions were. Mr. Chancellor Pitt immediately rose and said, that his situation was rather delicate. The pressure of business, which in the present circumstances it was natural for him to feel, did not leave his mind at liberty to enter on the disquisition and arrangement of a subject so peculiarly complicated and extensive as an equal representation of the people. He trusted, however, it was a measure which he should one day see realised. And it was no great matter to him how it was carried, provided it did but succeed. In this no man within or without doors would more sincerely rejoice than he should do. The House and the people, he had no doubt, would give him credit for his sincerity, when he declared that he had it very much at heart: and he pledged himself in the strongest language to bring it forward the very first opportunity the next session. It was greatly, in his opinion, out of season just at this juncture. He could have no objection, should the honourable gentleman think otherwise, and persist in proposing it now; but he was surely entitled to the same right of judging for himself; and he could assure the House, that nothing but a suspicion of risquing the question, which he did presume might be urged with a greater probability of success at another time, should have prevented his bringing it forward now. A regard, however, to inclination, to principle, to consistency, and to duty, would not suffer him to let slip any opportunity in which he could foresee a probability of carrying the measure. These were the only things which operated on his mind against the expediency of attempting on the present, what was much more likely to succeed on some future occasion.—Mr. Wilberforce trusted his attachment to the object of the motion would not be doubted. But friend as he was to this great and desirable reform, he could not see any reasonable objection to putting it off till the period in which the minister stood pledged to bring it on. The worthy alderman would, he hoped, consider the matter maturely, and avoid risquing a question of such importance by a premature procedure.

Mr. Fox considered the whole of this manœuvring as equally curious and unaccountable. A worthy alderman proposed to move the House on a question in which the people of this country were deeply, seriously, and universally interested. He very candidly and fairly, however, as being in earnest about its success, wished the minister to take it out of his hands. The minister owns the handsome offer made him of doing what must be ultimately acceptable to a great majority of his countrymen; but he hesitates and procrastinates on various pretexts, as it would seem, to gain time. His honourable friend, however, steady to his purpose as he was, from a generous inclination to accommodate the matter to the convenience of all sides of the House, is prevailed on to give way at least from one day to another; and when that day comes, a very serious, but he would say an

aukward, proposal is made him, that he would defer the business for the present session. All the while, and notwithstanding much serious importunity to delay the business, not so much as the shadow of a reason is urged why his honourable friend should not proceed: now it was assigned with much solemnity that it was not a proper time. It was astonishing that not one of the gentlemen who had made this remark had attempted to justify it by any reasoning whatever. For his part, he could conceive no reason, though some had assumed it as not less incontestible than an axiom in geometry. But so far was he from feeling its force on his mind, that he was satisfied no time in the world was so fit. The parliament was a new one, and by no means hackneyed in the habits of treating constitutional questions with levity or neglect. Gentlemen were just from the country, and in some manner inspired with the sentiments of their constituents. Their professions in the prospect of securing their seats were too recent to be forgotten. They would naturally be proud to shew the people of England how much they had their wishes at heart, with what promptitude they were ready to act in their service, and how well they were qualified to manage their concerns. Where, then, was the impropriety? What was the hindrance? He owned that there was much public business still on the minister's hands. But what business could be of more consequence than that of a reform in the constitution of that House? This he thought he might urge with the greater earnestness, as it was not improbable but the House might take up more time in debating the adjournment than in determining the question. It was, in his mind, a very serious and critical matter to trifle, as had hitherto been too much the case, with the feelings and wishes of the great body of the people. He thought the present question would operate on them as a test by which they would see who were their real, in contradistinction to their apparent friends; and he trusted that those who had it in their power would gladly embrace the opportunity of fulfilling engagements, for which they stood so deeply and repeatedly pledged to the public.—But a new pretence was brought forward, and though no reason could be assigned for the unseasonableness of the motion now, it was said it would be more seasonable next session, because the minister would then undertake it. But why was not this resolution avowed from the beginning? Why was it never avowed till now? And why on this particular occasion? Would the minister be more able to command a majority than he appeared to be at present? Would his friends be more numerous or more confident? It did not appear to him they ever could. He trusted

the public at large would see through this shuffling, procrastinating spirit. He did not pretend to doubt the right honourable gentleman's sincerity in the cause, but he did suspect that he had reasons for the present shyness, which however nameless, had their force: and he, for his own part, greatly doubted, whether any reform of this, or any other description, could reasonably be expected from a ministry who stood on grounds so hostile to the constitution, and who had yet given no very striking proofs of their predilection for any thing connected with the representation of the people. He would, however, assure the right honourable gentleman, that the spirit was now gone forth, which all his influence and connections would find very difficult to subdue, perhaps not a little dangerous to oppose. The people of England, he asserted, were not easily so used; but the instant they became unanimous and in earnest, it was in vain to strive against them. He trusted now was the time to realise an idea they had so long cherished, and to which they directed their attention and expectations. Undoubtedly, his honourable friend would be guided by his own judgment; but he was mistaken if such a treatment as this would not stimulate him to come forward, and without farther negociation, do his duty, and acquit himself of his promise to that House, to his constituents, and to the public.

The cry being now very loud for Mr. Alderman Sawbridge, he rose, and concluded a speech of considerable length, with moving, "That a committee be appointed to take into consideration the present state of the representation of the commons of Great Britain in parliament." The motion was supported by Mr. Alderman Newnham, the Earl of Surrey, Sir E. Astley, Mr. Beaufoy, Mr. Pitt, Mr. Fox, Mr. Burgoyne, Mr. Sheridan and others; and opposed by Lord North, Mr. Dundas, Mr. Burke, Mr. W. Grenville, and Lord Mulgrave. Mr. Pitt ascribed the long continuance of the American war, and that very circumstance being the means of keeping the minister in place, to a corrupt system which owed its origin to the want of a reform in the state of representation. He charged the last parliament obliquely with unconstitutional conduct, and imputed the late dissolution to that circumstance. He joined in admitting the impracticability of universal representation, as projected by the Duke of Richmond, but declared, that the absurdity of that scheme was no reason why every hope of hitting upon a practicable reform should be abandoned and deserted. He said, Lord North's declaration that the sense of the people could only be collected within those walls, tied him down as it were to vote for the motion, and support any endeavours to have the sense of the people correctly spoken in the House of Commons.

Mr. Fox supported the motion. He declared, although he had not before made up his mind to the proposition of shortening the duration of parliaments, what he had seen within the last six months had completely decided his opinion upon the point, and he was now ready to declare their duration ought to be limited to as short a period as possible. He animadverted on the leading political events that had occurred since last November, and contended, that they all proved the necessity of a free and independent parliament. Upon a House of Commons so formed, depended the existence of every thing dear to Englishmen. He spoke of the uncommon exercise of the royal prerogative by the present minister, and stated, that if the crown had a House of Commons without doors, and a House of Commons within, and played the one off against the other, as interest rendered convenient, occasionally menacing with threats of dissolution, and occasionally alluring with promises of honours and rewards, the people were solely in the hands of the crown and its ministers, and the constitution of the country was not safe for a moment. He compared the present times to the four last years of Queen Anne, but declared, if any thing, that the times were now worse. He replied to what Mr. Pitt had said of the American war, and acknowledged that the revival of that topic always gave him pain; he said, he reprobated the conduct of that war as much as ever, but justice required he should admit, that neither he nor any of his opposers, at the time that they divided sixty or seventy on a division, ever pretended, that it was not at that period a popular war. He charged Mr. Pitt with want of feeling, to which he imputed the manner of his reviving a subject that must create as much disgust in the minds of those who sat near him, as it could possibly do, in the minds of others on the side of the House on which he stood at that moment. He contended warmly and zealously for the question, and urged the extreme propriety of the point of time at which it was brought forward. He closed with an earnest exhortation to the House to support a motion, to which there could be no reasonable objection advanced.

The previous question having been moved by Lord Mulgrave, the House divided:

	Tellers.			*Tellers.*	
YEAS	Mr. Sawbridge Mr. R. Smith	125.	NOES	Mr. North Mr. Eden	199.

So it passed in the negative.

MOTION FOR A REPEAL OF THE RECEIPT TAX.

June 18.

MR. Alderman Newnham, in obedience to the instructions of his constituents, moved for leave to bring in a bill to repeal the act imposing a stamp duty on receipts. After the motion had been strongly opposed by Mr. Chancellor Pitt,

Mr. FOX rose to express his satisfaction at what had fallen from the right honourable gentleman at the head of the exchequer, and to point out to the House, the extreme absurdity, as well as the infinite inconvenience, that it was obvious must arise, if members, on every occasion, without consulting their own judgment at all, paid obedience to their constituents. It was plain, from what had passed that day, that as every tax would be found irksome to some description of people or other, members would constantly be instructed to oppose every tax that could be proposed. The consequence would be, if the opposition prevailed, the new tax of one year would be forced to be repealed the next, and so on *ad infinitum*, by which means the finances of the country must be totally ruined, and we could have no hope of recovering ourselves. He was happy, therefore, to see the right honourable gentleman stand up and oppose this attempt to obtain a repeal of the receipt tax; and he could not sufficiently applaud the very great candour of the right honourable gentleman in his admission, that the tax on receipts, like every other new tax, was liable to no other imperfections than such as were, and must naturally be, inseparable from all experiments. A better tax, a tax more just, and less oppressive, he, in his conscience, believed had never been proposed. That it would become more and more productive he also verily believed, and he had as little doubt but its popularity would daily increase. That it had been exceedingly unpopular was certainly the fact, and that those who projected it had suffered for it, he well knew; for upon his canvass, he found a great number of those whom he could not help calling his constituents, extremely averse to it, and firmly of opinion, that it was a bad and oppressive tax. Their prejudices, however, he had no doubt would wear away; for the fact was, that while the tax was not paid, it was pretty generally affected to be clamoured against, and was deemed unpopular; whereas the instant such regulations were made

as enforced the payment of the tax, it became less unpopular. Mr. Fox declared, that if Mr. Pitt had expressed an intention to consent to the repeal of the tax, highly as he approved of the tax, he should not have opposed its repeal, because he should have so much confidence in any person in his high office, as to have taken it for granted, he would not consent to repeal one tax, without having another to propose, that would at least prove equally productive.

The question being put, the House divided:

	Tellers.			*Tellers.*	
YEAS	Mr. Newnham Mr. William Smith	29.	NOES	Mr. Gilbert Mr. Sheridan	118.

So it passed in the negative.

END OF THE SECOND VOLUME.

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